



**CORPORATE & GOVERNANCE
DIRECTORATE
(APPENDIX ORD: 12.4.7C)**

UNDER SEPARATE COVER
APPENDICES
ORDINARY COUNCIL MEETING

To Be Held

Wednesday, 24th of November 2021
Commencing at 5.00pm

At

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive - EATON



Shire of Dardanup
DRAFT - 2021/22 Delegation Register

REVIEW

There are no reviews to display

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INTRODUCTION

Introduction

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

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

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

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

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

"Nothing in this Division is to read as preventing –

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

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

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

Delegations and authorisations under other Legislation

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

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

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

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

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

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DELEGATIONS

01. Local Government Act 1995

Local Government Act 1995

1.1 Council to Committees of Council

Delegation	1.1.1 Audit and Risk Committee
Category	Committee
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.16 Delegation of some powers and duties to certain committees s.7.1B Delegation of some powers and duties to audit committees
Express power or duty delegated	Local Government Act 1995: s.7.12A(2), (3) & (4) Duties of Local Government with respect to audits
Function	<p>1. Authority to meet with the Shire's Auditor at least once every year on behalf of the Council [s.7.12A(2)].</p> <p>2. Authority to:</p> <ul style="list-style-type: none"> • examine the report of the Auditor and determine matters that require action to be taken by the Shire of Dardanup; and • ensure that appropriate action is taken in respect of those matters [s.7.12A(3)]. <p>3. Authority to review and endorse the Shire of Dardanup's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister within 3 months after the audit report is received by the Shire of Dardanup. [s.7.12A(4)].</p>
Delegates	Audit and Risk Committee
Conditions	This delegation is not to be used where a Management Letter or Audit Report raises significant issues and the Local Government's meeting with the Auditor must be directed to the Council.
Express power to subdelegate	Nil. Sub-delegation is prohibited by s.7.1B.
Subdelegate conditions	Nil
Statutory framework	Nil

Policy	Department of Local Government, Sport and Cultural Industries Operational Guideline No. 09 - The appointment, function and responsibilities of Audit Committees 2020 - Audit and Risk Committee Charter
Record keeping	Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.
Date adopted	30 September 2020
Adoption references	Resolution Number 279-20 - Audit and Risk Committee Charter Instrument of Appointment and terms of Reference 2020.

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Delegation	1.1.2 Bushfire Advisory Committee
Category	Committee
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.16 Delegation of some powers and duties to certain committees
Express power or duty delegated	Local Government Act 1995: s.5.17 Limits on delegation of powers and duties to certain committees
Function	Authority to endorse Firebreak Exemptions/Variations in accordance with the Shire of Dardanup Fire Prevention Order.
Delegates	Bushfire Advisory Committee
Conditions	<p>1. The Committee has no specific powers under the Local Government Act and is to advise and make recommendations to Council only.</p> <p>2. The Council reserves the right to delegate powers to the committee if circumstances require delegation. The Delegation shall be recorded in the council minutes prior to the delegation being exercised.</p>
Express power to subdelegate	Nil. Sub-delegation is prohibited by s.7.1B.
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Shire of Dardanup Fire Prevention Order
Record keeping	Bushfire Advisory Minutes shall record and identify each decision made under this delegation in accordance with the requirements of Administration Regulation 19.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.1.3 Behaviour Complaints Committee (DRAFT)
Category	Committee
Head of power	01. Local Government Act 1995
Delegator	Local Government
Express power to delegate	Local Government Act 1995: s.5.16 Delegation of some powers and duties to certain committees
Express power or duty delegated	Local Government (Model Code of Conduct) Regulations 2021: Clause 12 Dealing with a complaint Clause 13 Dismissal of complaint
Function	<p>1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [MCC.cl.12(1) and (3)]. In making any finding the Committee must also determine reasons for the finding [MCC.cl.12 (7)].</p> <p>2. Where a finding is made that a breach has occurred, authority to:</p> <ol style="list-style-type: none"> take no further action [MCC.cl.12(4)(a)]; or prepare and implement a plan to address the behaviour of the person to whom the complaint relates [MCC.cl.12(4)(b), (5) and (6)]. <p>3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [MCC.cl.13(1) and (2)].</p>
Delegates	Behaviour Complaints Committee
Conditions	<p>a. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy Exec CP202 Code of Conduct Behaviour Complaints Management Process.</p> <p>b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act.</p> <p>c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item.</p> <p>d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a Deputy Committee Member is in attendance.</p> <p>NOTE TO CONDITIONS: (C) AND (D): The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.</p>
Express power to subdelegate	Nil

Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Exec CP202 Code of Conduct Complaints Management Process
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.

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1.2 Council to CEO

Delegation	1.2.1 Smoke Alarms – Alternative Solutions
Category	Building
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Regulations 2012: r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
Function	1. Authority to approve alternative building solutions which meet the performance requirement of the Building Code relating to fire detection and early warning [r.55]. 2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Building Asset Officer Principal Building Surveyor
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

Delegation	1.2.2 Performing Functions Outside the District
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.20(1) Performing functions outside district
Function	<p>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)].</p> <p>2. 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.</p>
Delegates	CEO
Conditions	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.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.3 Compensation for Damage Incurred when Performing Executive Function
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.22(1) Compensation s.3.23 Arbitration
Function	1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
Delegates	CEO
Conditions	Delegation is limited to settlements which do not exceed a material value of \$10,000.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO Director Infrastructure Director Sustainable Development
Subdelegate conditions	Delegation is limited to settlements which do not exceed a material value of \$5,000.
Statutory framework	Nil
Policy	Local Government Act 1995 Commercial Arbitration Act 2012
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.4 Powers of Entry
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.34 Entry in an emergency s.3.36 Opening fences
Function	1. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)] 2. Authority to give notice and effect entry by opening a fence [s.3.36]
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Emergency & Ranger Services Deputy CEO Director Infrastructure Director Sustainable Development Environmental Health Officer Manager Development Services Planning Officer Principal Building Surveyor Principal Environmental Health Officer Principal Parks & Environment Supervisor Principal Planning Officer Principal Works Supervisor Ranger Senior Planning Officer Senior Ranger
Subdelegate conditions	Nil
Statutory framework	Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.

Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	1.2.5 Declare Vehicle is Abandoned Vehicle Wreck
Category	Law Enforcement
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.40A(4) Abandoned vehicle wreck may be taken
Function	Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
Delegates	CEO
Conditions	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Emergency & Ranger Services Director Infrastructure Director Sustainable Development Manager Development Services Senior Ranger
Subdelegate conditions	Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.6 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.
Statutory framework	Local Government Act 1995 s.3.40A (4) Abandoned vehicle wreck may be taken
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.6 Disposing of Confiscated or Uncollected Goods
Category	Law Enforcement
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.46 Goods may be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
Function	<p>1. A local government may refuse to allow goods impounded under section 3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46(1)]</p> <p>2. A local government may refuse to allow goods removed under section 3.40 or 3.40A to be collected until the costs of removing and keeping them have been paid to the local government.[s.3.46(2)]</p> <p>3. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47].</p> <p>4. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</p>
Delegates	CEO
Conditions	Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Emergency & Ranger Services Director Sustainable Development Manager Development Services Senior Ranger
Subdelegate conditions	Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.
Statutory framework	Local Government Act 1995: Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.

Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	1.2.7 Disposal of Sick or Injured Animals
Category	Law Enforcement
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
Function	1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
Delegates	CEO
Conditions	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Coordinator Emergency & Ranger Services Deputy CEO Director Infrastructure Director Sustainable Development Manager Development Services Ranger Senior Ranger
Subdelegate conditions	Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.8 Close Thoroughfares to Vehicles
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
Function	<p>1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4-weeks [s.3.50(1)].</p> <p>2. Authority to determine to close a thoroughfare for a period exceeding 4-weeks and before doing so:</p> <ul style="list-style-type: none"> • 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) • consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)]. <p>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</p> <p>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]</p> <p>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].</p>
Delegates	CEO
Conditions	<p>1. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</p> <p>2. Maintain access to adjoining land [s.3.52(3)] (relevant to a Townsite only).</p>
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure
Subdelegate conditions	Nil

Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	1.2.9 Control Reserves and Certain Unvested Facilities
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
Function	1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire of Dardanup that the Shire of Dardanup could do under s.5 of the Parks and Reserves Act 1895. [s.3.54(1)].
Delegates	CEO
Conditions	Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure Director Sustainable Development
Subdelegate conditions	Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.10 Obstruction of Footpaths and Thoroughfares
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
Function	<p>1. Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to:</p> <ul style="list-style-type: none"> • prevent damage to the footpath; or • prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. <p>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].</p> <p>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</p> <p>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].</p> <p>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].</p>
Delegates	CEO
Conditions	<p>Permission may only be granted where, the proponent has:</p> <ul style="list-style-type: none"> • Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. • Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. • Provided evidence of sufficient Public Liability Insurance. • Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates	Asset Inspector Director Infrastructure Director Sustainable Development Manager Assets Manager Development Services Ranger Senior Ranger
Subdelegate conditions	Permission may only be granted where, the proponent has: <ul style="list-style-type: none"> • Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. • Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. • Provided evidence of sufficient Public Liability Insurance. • Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Statutory framework	Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.2 – Public Thoroughfare Obstruction – Determine Conditions Local Government (Uniform Local Provisions) Regulations 1996 Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.11 Gates Across Public Thoroughfares
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
Function	<p>1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)].</p> <p>2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)].</p> <p>3. Authority to impose conditions on granting permission [ULP r.9(4)].</p> <p>4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)].</p> <p>5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9(6)].</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure Director Sustainable Development Manager Assets Manager Development Services
Subdelegate conditions	Nil
Statutory framework	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Policy	Nil

Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

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Delegation	1.2.12 Public Thoroughfare – Dangerous Excavations
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
Function	<p>1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)].</p> <p>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].</p> <p>3. Authority to impose conditions on granting permission [ULP r.11(6)].</p> <p>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</p>
Delegates	CEO
Conditions	<p>Permission may only be granted where, the proponent has:</p> <ul style="list-style-type: none"> • Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. • Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. • Provided evidence of sufficient Public Liability Insurance. • Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Asset Inspector Director Infrastructure Manager Assets

Subdelegate conditions	<p>Permission may only be granted where, the proponent has:</p> <ul style="list-style-type: none"> • Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. • Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. • Provided evidence of sufficient Public Liability Insurance. • Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Statutory framework	<p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p>Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p>
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.13 Crossing – Construction, Repair and Removal
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7 (2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
Function	<ol style="list-style-type: none"> 1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r, 12 (1)]. 2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)]. 3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)]. 4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Asset Inspector Director Infrastructure Manager Assets
Subdelegate conditions	Nil
Statutory framework	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995 Refer also Delegation under the Template Activities in Thoroughfares and Public Places and Trading Local Law
Policy	Nil

Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	1.2.14 Private Works on, over or under Public Places
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: r.17 Private works on, over, or under public places – Sch.9.1 cl.8
Function	1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
Delegates	CEO
Conditions	Permission may only be granted where, the proponent has: <ul style="list-style-type: none"> • Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works. • Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works. • Provided evidence of sufficient Public Liability Insurance. • Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Asset Inspector Director Infrastructure Manager Assets
Subdelegate conditions	Nil
Statutory framework	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995

Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	1.2.15 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
Function	Authority to give notice to an owner / occupier of land if it is considered that clearing the owner / occupier's land might cause local government land having a common boundary, being adversely affected by wind erosion or sand drift [ULP r.21(1)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Asset Inspector Director Infrastructure Manager Assets
Subdelegate conditions	Nil
Statutory framework	Local Government (Uniform Local Provisions) Regulations 1996 – prescribe applicable statutory procedures Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.16 To purchase goods and services to a specified value.
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Function	To purchase goods and services: <ul style="list-style-type: none"> • Up to the value of \$200,000; and • Up to the value of \$300,000 for the Tax Office and other Government Agencies; and • Up to the value of \$300,000 for Creditors where an executed agreement or legal obligation exists which has prior Council endorsement.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates	<p>Accountant Coordinator Emergency & Ranger Services Coordinator Library Services Deputy CEO Deputy Manager – Operations Director Infrastructure Director Sustainable Development ERC Sports & Facilities Coordinator IT Manager Maintenance Storeperson Manager Assets Manager Development Services Manager Financial Services Manager Governance & HR Manager Information Services Manager Infrastructure Planning & Design Manager Operations Manager Place and Community Engagement Manager Sport & Recreation Principal Building Surveyor Principal Environmental Health Officer Principal Parks & Environment Supervisor Principal Works Supervisor Project Officer Senior Governance Officer Senior Project Officer</p>
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Subdelegate conditions	<ol style="list-style-type: none"> 1. Signing of purchase orders of a value not to exceed your designated amount (as indicated on the memo supplied) for any one purchase as per the adopted budget. 2. All purchase orders must be prepared in accordance with Council's CnG CP034 Procurement Policy. 3. Reference to Council for unbudgeted expenditure approval is to be made prior to the purchase order being lodged. 4. If the quoted purchase price exceeds the allocated budget, please refer to Manager Financial Service. <p> Chief Executive Officer \$200,000 Deputy Chief Executive Officer \$125,000 Director Infrastructure \$125,000 Director Sustainable Development \$125,000 Manager Assets \$20,000 Manager Development Services \$20,000 Manager Financial Services \$20,000 Manager Governance & HR \$20,000 Manager Information Services \$20,000 Manager Infrastructure Planning & Design \$20,000 Manager Operations \$20,000 Manager Place & Community Engagement \$20,000 Manager Sport & Recreation \$20,000 Accountant \$10,000 IT Manager \$10,000 Principal Building Surveyor \$10,000 Principal Environmental Health Officer \$10,000 Principal Parks & Environment Supervisor \$10,000 Principal Works Supervisor \$10,000 Coordinator Emergency & Ranger Services \$5,000 Coordinator Library Services \$5,000 Senior Governance Officer \$2,000 Senior Project Officer \$2,000 Project Officer \$2,000 Maintenance Storeperson \$2,000 </p>
Statutory framework	Nil
Policy	Shire of Dardanup Council Policy CnG CP034 - Procurement Policy
Record keeping	Note: As purchase orders are provided to Council in the 'Accounts for Payment' items at the Ordinary Council Meetings, you are not required to record when a purchase order is raised in the 'Executed Delegations Register'.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

Amendments			
Approved	Type	Amendment	References
24 Jun 2020	Amended delegation	Additional information has been added to the sub-delegate section to list the dollar value of purchasing for the required positions.	Adopted by Council at the Shire of Dardanup OCM held 24th June 2020, by resolution 157-20
13 Jul 2020	Amended delegation	The addition of the ERC Sports & Facilities Coordinator was added for purchasing authority.	CEO Delegated Purchasing authority to the ERC Sports & Facilities Coordinator.

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Delegation	1.2.17 Legal Opinion
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Function	To obtain legal opinion from solicitors where deemed appropriate.
Delegates	CEO
Conditions	If the cost of the legal opinion is expected to be greater than the allocated budget, Council is to be advised.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO Director Infrastructure Director Sustainable Development
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Exec CP012 – LEGAL REPRESENTATION – COSTS INDEMNIFICATION
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

Delegation	1.2.18 Granting Subdivision Clearances
Category	Planning
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Function	To grant subdivision clearances where conditions have been met or 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.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure Director Sustainable Development
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.19 Execution of Documents & Application of Common Seal
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995 s 9.49A (2) and (4) Execution of documents
Function	1. Authorisation to sign documents with Shire President and apply the Common Seal in accordance with the Local Government Act. [s 9.49A (3)] 2. Authority to sign documents on behalf of the local government. [s 9.49A (1) (b), (4)]
Delegates	CEO
Conditions	A register is to be kept of each time the Common Seal is applied.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.20 Local Laws
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995 Section 3.18 <ul style="list-style-type: none"> • Bush Fire Act 1954 Section 48 (cannot be sub delegated) • Cat Act 2011 Section 44 and 45 • Dog Act 1976 Section 10A.A • Public Health Act 2016 Section 21
Function	Authority to administer the Shire's local laws and to do all other things that are necessary or convenient to be done for, or in connection with, performing the functions of the Shire under the Shire's local laws, and to delegate these functions further: <ul style="list-style-type: none"> • Bush Fire Brigades Local Law; • Cemeteries Local Law 2014; • Dust Control Local Law 2011; • Extractive Industries Local Law; • Health Local Laws 2000; • Local Government Property Local Law 2007; • Dogs Local Law 2014; • Parking and Parking Facilities Local Law 2009; • Standing Orders Local Law 2014; and • Keeping and Control of Cats Local Law 2014; • Activities in Thoroughfares and Public Places and Trading Local Law 2007.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO Director Infrastructure Director Sustainable Development
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil

Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	1.2.21 Issue Notices Requiring Certain Things to be Done by Owner or Occupier of Land
Category	Planning
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.24 Authorising persons under this Subdivision s.3.25 Notices requiring certain things to be done by owner or occupier of lands.
Function	Issue Notices Requiring Certain Things to be Done by Owner or Occupier of Land in accordance with the Act.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO Director Infrastructure Director Sustainable Development
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.22 Expressions of Interest for Goods and Services
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.57 Tenders for providing goods or services Local Government (Functions and General) Regulations 1996 : r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
Function	1. Authority to determine when to seek Expressions of Interest and to invite Expressions of Interest for the supply of goods or services [F&G r.21]. 2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&G r.23].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO Director Infrastructure Director Sustainable Development Procurement Officer
Subdelegate conditions	Nil
Statutory framework	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit
Policy	Shire of Dardanup Council Policy CnG CP034 - Procurement Policy
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

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Delegation	1.2.23 Tenders for Goods and Services
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	<p>Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p>
Express power or duty delegated	<p>Local Government Act 1995: s.3.57 Tenders for providing goods or services</p> <p>Local Government (Functions and General) Regulations 1996 : r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services</p>

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<p>Function</p>	<ol style="list-style-type: none"> 1. Authority to call tenders [F&G r.11(1)]. 2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine a sole supplier arrangement [F&G r.11(f)]. 3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the expense is included in the adopted Annual Budget (F&G.r.11(2)). 4. Authority to invite tenders although not required to do so [F&G r.13]. 5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&G r.14(2a)]. 6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&G r.14(4)(a)]. 7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&G r.14(5)]. 8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&G r.18(4)]. 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&G r.18(2) and (4)]. 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 before entering into a contract [F&G r.20(1) and (3)]. 11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&G r.18(4a)]. 12. Authority to decline any tender [F&G r.18(5)]. 13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&G r.20(2)] 14. Authority to: <ul style="list-style-type: none"> • 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. • Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&G r.21A]. 15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&G r.18(6) & (7)].
<p>Delegates</p>	<p>CEO</p>

<p>Conditions</p>	<p>1. Sole supplier arrangements may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> • A detailed specification; • The outcomes of market testing of the specification; • The reasons why market testing has not met the requirements of the specification; and • Rationale for why the supply is unique and cannot be sources through other suppliers; <p>2. 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"> • proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government, • current supply contract expiry is imminent. <p>3. 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 \$200,000 or less and the expense is included in the adopted Annual Budget.</p> <p>4. 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>Express power to subdelegate</p>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>
<p>Subdelegates</p>	<p>Deputy CEO Director Infrastructure Director Sustainable Development Procurement Officer</p>
<p>Subdelegate conditions</p>	<p>1. CEO is to sign off on all items of expenditure and tenders above the relevant directors purchasing authority (\$125,000)</p> <p>2. Procurement Officer is only authorised to carry out the following item from this delegation:</p> <ul style="list-style-type: none"> • Authority to determine that a variation proposed in minor in context of the total goods or services sought through the invitation to tender, within the \$value detailed as a condition on this Delegation, and to then enter into minor variations with the successful tenderer before entering into a contract [F&G r.20(1) and (3)].
<p>Statutory framework</p>	<p>Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures</p> <p>WALGA Subscription Service – Procurement Toolkit</p>
<p>Policy</p>	<p>Shire of Dardanup Council Policy CnG CP034 Procurement Policy</p>
<p>Record keeping</p>	<p>Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.</p>
<p>Date adopted</p>	<p>30 June 2021</p>

Adoption references

Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

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Delegation	1.2.24 Over Length Vehicles
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

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Function	<p>1. The Chief Executive Officer authorised to support Restricted Access Vehicles (RAV) in accordance with the Shire endorsed RAV network road maps.</p> <p>2. The Chief Executive Officer authorised to support the moving of grape harvesters and other specialist equipment through the Shire.</p> <p>3. The Chief Executive Officer authorised to support the transport of oversize loads through the Shire.</p> <p>4. The Chief Executive Officer authorised to support PBS applications where their performance meets the RAV network.</p> <p>5. Chief Executive Officer delegated authority to support Restricted Access Vehicles (RAV) in accordance with the Shire endorsed RAV Network Road Maps on the following roads:</p> <p>Road Section</p> <p>Andrew Foord Way - Entire Length - RAV 4.3 Banksia Road - Depiazzi Rd – Waste Site - RAV 3.3 Barcoo Close - Moore Rd - Freight Yard - RAV 7.3 Busher Road - Moore Rd - Timber Yard Access - RAV 7 Busher Road - Timber Yard Access - end - RAV 4 Coleman Turn - Entire Length - RAV 4.3 Copplestone Road - Martin Pelusey Rd - End RAV 4 Delmarco Drive - Entire Length - RAV 4.3 Depiazzi Road - Entire Length - RAV 3.3 Dowdells Line - O'Connor Rd – South Western Hwy - RAV 3 Ferguson Road - Waterloo Rd – Depiazzi Rd - RAV 3.3 Ferguson Road - Depiazzi Rd – LGA Boundary - RAV 3 Giorgi Road - South Western Hwy – Sutherland Way - RAV 4.3 Giorgi Road - Sutherland Way – End - RAV 4 Golding Crescent - Entire Length - RAV 4.3 Hardisty Court - Entire Length - RAV 4.3 Harris Road - LGA Boundary – Martin Pelusey Rd - RAV 4.3 Kerr Road - Entire Length - RAV 4.3 King Tree Road - Entire Length - RAV 3 Martin Pelusey Road - Entire Length - RAV 4.3 Moore Road - Bunbury Outer Ring Road - 1.6km south - RAV 7.3 Mungalup Road - Pile Rd – LGA Boundary - RAV 3 Nicholson Road - Entire Length - RAV 4.3 O'Connor Road - Entire Length - RAV 3 Pattersons Road - Ferguson Rd – South Rd - RAV 3 Pedretti Road - Entire Length - RAV 4.3 Pile Road - Entire Length - RAV 3 Queenwood Road - Ferguson Rd – LGA Boundary - RAV 3 Ramsay Loop - Entire Length - RAV 4.3 South Road - Pattersons Rd – Mungalup Rd - RAV 3 Warrego Road - Entire Length - RAV 4.3 Waterloo Road - Entire Length - RAV 3.3 Wellington Mill Road - Ferguson Rd – King Tree Rd - RAV 3</p>
Delegates	CEO
Conditions	In accordance with Main Roads WA advice requirements.

Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure Manager Assets
Subdelegate conditions	In accordance with Main Roads WA advice requirements.
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	28 October 2020
Adoption references	Council Resolution 292-20

Amendments			
Approved	Type	Amendment	References
28 Oct 2020	Amended delegation	Item 12 - Gives the Chief Executive Officer delegated authority to support Restricted Access Vehicles (RAV) in accordance with the Shire endorsed RAV Network Road Maps.	Council Resolution 292-20

Delegation	1.2.25 Roadside Markers
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Nil
Function	Authority to: <ul style="list-style-type: none"> • Approve or reject applications for the placement of roadside marks, including small white crosses, in accordance with Council Policy Infr CP063. • Reject installations if procedures are not followed. • Action the removal of roadside markers at any time if they are causing a problem with pedestrians or traffic.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure
Subdelegate conditions	Shire of Dardanup Council Policy – Infr CP063 – Roadside Markers
Statutory framework	Nil
Policy	Shire of Dardanup Council Policy - Infr CP063 - Roadside Markers.
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

Delegation	1.2.26 Traffic Management Plans
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Function	Authority to approve and implement traffic management plans for roadworks and events.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Asset Inspector Director Infrastructure Manager Assets Senior Project Officer
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.27 Approval of Subdivisional Engineering Drawings
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Planning and Development Act – Section 170 Regs cl.83 sched 2 part 10
Function	Authority to approve for construction engineering drawings and specifications.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Infrastructure Director Sustainable Development Manager Assets Manager Development Services Manager Infrastructure Planning & Design
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.28 Panels of Pre-Qualified Suppliers for Goods and Services
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Functions and General) Regulation 1996: r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
Function	<ol style="list-style-type: none"> 1. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&G r.24AC(1)(b)]. 2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&G r.24AD(3)]. 3. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&G r.24AD(6)]. 4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&G r.24AH(2)]. 5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&G r.24AH(3)]. 6. Authority to request clarification of information provided in a submission by an applicant [F&G r.24AH(4)]. 7. Authority to decline to accept any application [F&G r.24AH(5)]. 8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&G r.24AJ(1)].
Delegates	CEO
Conditions	In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$150,000 or less and the expense is included in the adopted Annual Budget.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

Subdelegates	Deputy CEO Procurement Officer
Subdelegate conditions	Nil
Statutory framework	Local Government (Functions and General) Regulations 1996 – prescribe applicable statutory procedures WALGA Subscription Service – Procurement Toolkit
Policy	Shire of Dardanup Council Policy CnG CP034 Procurement Policy
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

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Delegation	1.2.29 Application of Regional Price Preference Policy
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Functions and General) Regulations 1996: r.24G Adopted regional price preference policy, effect of
Function	Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO Procurement Officer
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.30 Disposing of Property
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.3.58(2) & (3) Disposing of Property
Function	<p>1. Authority to dispose of property to:</p> <ul style="list-style-type: none"> • to the highest bidder at public auction [s.3.58(2)(a)]. • to the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tenders [s.3.58(2)(b)] <p>2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</p>
Delegates	CEO

<p>Conditions</p>	<p>1. Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</p> <p>2. In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$20,000 or less.</p> <p>3. When determining the method of disposal:</p> <ul style="list-style-type: none"> • Where a public auction is determined as the method of disposal: • Reserve price has been set by independent valuation. • Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price. • Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. • Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> ◦ Negotiate the sale of the property up to a -10% variance on the valuation; and ◦ Consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a decision are recorded. <p>4. Where the market value of the property is determined as being less than \$20,000 (F&G r.30 (3) excluded disposal) may be undertaken:</p> <ul style="list-style-type: none"> • Without reference to Council for resolution; and • In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.
<p>Express power to subdelegate</p>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>
<p>Subdelegates</p>	<p>Deputy CEO Director Infrastructure Director Sustainable Development</p>
<p>Subdelegate conditions</p>	<p>Nil</p>
<p>Statutory framework</p>	<p>Local Government Act 1995 – s.3.58 Disposal of Property Local Government (Functions and General) Regulations 1995 – r.30 Dispositions of property excluded from Act s. 3.58</p>
<p>Policy</p>	<p>Nil</p>

Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	1.2.31 Payments from the Municipal or Trust Funds
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Financial Management) Regulations 1996: r.11 Payments, procedures for making etc. r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
Function	1. Authority to develop procedures that implement appropriate internal controls and risk mitigation for the authorisation and payment of accounts by any method, including but not limited to; cheques, credit cards, computer encryption devices and passwords, purchasing transaction cards, petty cash systems, etc. 2. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
Delegates	CEO
Conditions	1. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. 2. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once each financial year. [Audit r.17]
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Accountant Deputy CEO Director Infrastructure Manager Financial Services Manager Governance & HR
Subdelegate conditions	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)]. 2. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5. 3. Payments by Cheque and EFT must be approved jointly by two Delegates, one of whom must be the CEO, Deputy CEO or Manager Financial Services. 4. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.

Statutory framework	<p>Local Government Act 1995</p> <p>Local Government (Financial Management) Regulations 1996 - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.</p> <p>Local Government (Audit) Regulations 1996</p> <p>Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</p> <p>Department of Local Government, Sport and Cultural Industries: Accounting Manual</p>
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	1.2.32 Defer, Grant Discounts, Waive or Write Off Debts
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.6.12 Power to defer, grant discounts, waive or write off debts
Function	1. Waive a debt which is owed to the Shire of Dardanup [s.6.12(1)(b)]. 2. Grant a concession in relation to money which is owed to the Shire of Dardanup [s.6.12(1)(b)]. 3. Write off Shire of Dardanup an amount of money which is owed to the Shire of Dardanup [s.6.12(1)(c)]
Delegates	CEO
Conditions	This Delegation does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Accountant Deputy CEO Manager Financial Services Senior Rates Officer
Subdelegate conditions	Deputy CEO - \$3,000 Manager Financial Services - \$100 Accountant - less than \$5.00 Senior Rates Officer - less than \$5.00
Statutory framework	Collection of Rates Debts – refer Delegations: Agreement as to Payment of Rates and Service Charges Recovery of Rates or Service Charges Recovery of Rates Debts – Require Lessee to Pay Rent Recovery of Rates Debts – Actions to Take Possession of the Land
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020

Adoption references

Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	1.2.33 Power to Invest and Manage Investments
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.6.14 Power to invest Local Government (Financial Management) Regulations 1996: r.19 Investments, control procedures for
Function	1. Authority to invest money held in the municipal fund or trust fund that is not, for the time being, required for any other purpose [s.6.14(1)]. 2. Authority to establish and document internal control procedures to be followed in the investment and management of investments [FM r.19].
Delegates	CEO
Conditions	1. All investment activity must comply with the Financial Management Regulation 19C and Council Policy CnG CP036. 2. A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Reports. 3. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles. 4. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once each financial year. [Audit r.17]
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Accountant Deputy CEO Manager Financial Services
Subdelegate conditions	Condition in accordance with the investment policy, and in the absence of the Deputy CEO and Manager Financial Services the Accountant may have the delegated authority as per above.

Statutory framework	<p>Local Government (Financial Management) Regulations1996 – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))</p> <p>Local Government Act 1995 - s6.14 Local Government (Financial Management) Regulations1996 – r19, r28 and r49 The Trustees Amendment Act 1997 - Part III Investments Australian Accounting Standards</p>
Policy	Council Policy CnG CP036 – Investment Policy
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

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Delegation	1.2.34 Speak On Behalf of Local Government
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s. 2.8 (1) Role of mayor or president s. 5.41 (f) Functions of CEO
Function	Chief Executive Officer is authorised to speak on behalf of the local government if the president agrees (s 5.41 (f)).
Delegates	CEO
Conditions	The Chief Executive Officer may sub delegate on a case by case basis if the matter is considered urgent.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Communications Officer - Media Deputy CEO Director Infrastructure Director Sustainable Development Manager Place and Community Engagement
Subdelegate conditions	When authorised by email on a case by case basis.
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.35 Authorise Electronic Funds Transfers up to \$300,000
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Function	Authority to authorise Electronic Funds Transfer (EFT) files for Payroll and Accounts Payable payments to the Tax Office, other Government Agencies' and Creditors where an Executed Agreement or legal obligation exists up to the value of \$300,000.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO Director Infrastructure Manager Financial Services
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.36 Disposal of Surplus Goods and Equipment (Minor Assets)
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995 s3.58 Local Government (Functions & General) Regulations 1996 Part 4 11A r.30(3)
Function	Authority to dispose of property below the value of \$20,000 and the conditions relating to plant and vehicles trade-ins ensuring full compliance with applicable legislative obligations.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO Director Infrastructure Director Sustainable Development
Subdelegate conditions	Sub-Delegates value is capped at \$10,000.
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.37 Rate Record Amendment
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.6.39(2)(b) Rate record s.6.40 Effect of amendment of rate record
Function	Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s.6.39(2)(b)].
Delegates	CEO
Conditions	Delegates must comply with the requirements of s.6.40 of the Act.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Accountant Deputy CEO Manager Financial Services Senior Rates Officer
Subdelegate conditions	Nil
Statutory framework	Local Government Act 1995 – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.38 Agreement as to Payment of Rates and Service Charges
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.6.49 Agreement as to payment of rates and service charges
Function	Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
Delegates	CEO
Conditions	Agreements must be in writing and must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Accountant Deputy CEO Manager Financial Services Senior Rates Officer
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.39 Determine Due Date for Rates or Service Charges
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.6.50 Rates or service charges due and payable
Function	Authority to determine the date on which rates or service charges become due and payable to the Shire of Dardanup [s.6.50].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.40 Recovery of Rates or Service Charges
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.6.56 Rates or service charges recoverable in court
Function	Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction [s.6.56(1)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Accountant Deputy CEO Manager Financial Services Senior Rates Officer
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.41 Recovery of Rates Debts – Require Lessee to Pay Rent
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.6.60 Local Government may require lessee to pay rent
Function	1. Authority to give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Dardanup [s.6.60(2)]. 2. Authority to recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice [s.6.60(4)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO Manager Sport & Recreation Personal Assistant
Subdelegate conditions	Nil
Statutory framework	Local Government Act 1995 – refer sections 6.61 and 6.62 prescribe procedures relevant to exercise of authority under s.6.60.
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.42 Recovery of Rates Debts - Actions to Take Possession of the Land
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.6.64(1) & (3) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
Function	<p>1. Authority to take possession of land and hold the land as against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including:</p> <ul style="list-style-type: none"> • lease the land, or • sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ul style="list-style-type: none"> I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or II. cause the land to be transferred to the Shire of Dardanup [s.6.71]. <p>2. Authority to lodge (and withdraw) a caveat to preclude dealings in respect of land where payment of rates or service charges imposed on that land is in arrears [s.6.64(3)].</p> <p>3. Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, services charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].</p>
Delegates	CEO
Conditions	In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale without having, within the previous 3-years attempted to recover the outstanding rates / charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO
Subdelegate conditions	Nil

Statutory framework	<p>Local Government Act 1995 – Part 6, Division 6 Subdivision 6 prescribe procedures relevant to exercise of authority under this delegation.</p> <p>Local Government (Financial Management) Regulations 1996 – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p>
Policy	Administrative Policy – AP040 – Debt Recovery
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	1.2.43 Rate Record – Objections
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.6.76 Grounds of objection
Function	1. Authority to extend the time for a person to make an objection to a rate record [s.6.76(4)]. 2. Authority to consider an objection to a rate record and either allow it or disallow it, wholly or in part, providing the decision and reasons for the decision in a notice promptly served upon the person whom made the objection [s.6.76(5)].
Delegates	CEO
Conditions	A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must NOT be party to any determination under this Delegation.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Accountant Deputy CEO Manager Financial Services Senior Rates Officer
Subdelegate conditions	Nil
Statutory framework	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.2.44 General Powers of Discharge of Duties of Functions of Policy Manual (DRAFT)
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Function	Council delegate authority to its Chief Executive Officer general powers to perform the function of the Council as applies to the Council Policy Manual delegations.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO Director Infrastructure Director Sustainable Development
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.

Delegation	1.2.45 Authority to Appoint External Complaints Officer (DRAFT)
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government (Model Code of Conduct) Regulations 2021: Clause 12 Dealing with a complaint. Clause 15 Other provisions about complaints
Function	Authority to appoint an external Complaints Officer to receive complaints and withdrawal of complaints related to the Shire of Dardanup Code of Conduct for Council Members, Committee Members and Candidates.
Delegates	CEO
Conditions	a) Any appointment under this delegation excludes a current or former Shire of Dardanup Council Member, Committee Member, candidate or employee. b) Any appointed external Complaints Officer must comply with the requirements contained in the – • Shire of Dardanup Code of Conduct for Council Members, Committee Members and Candidates. • Council Policy – Exec CP202 Code of Conduct Complaints Management Process.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Deputy CEO
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Exec CP202 Code of Conduct Complaints Management Process
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.

1.3 CEO to Employees

Delegation	1.3.1 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
Function	<p>When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.10:</p> <ol style="list-style-type: none"> 1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP r.6(4)(d)]. 2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)]. 3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].
Delegates	Director Infrastructure
Conditions	<ol style="list-style-type: none"> 1. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.10 Obstruction of Footpaths and Thoroughfares. 2. Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	<p>This delegated authority is effective only in alignment with Delegated Authority 1.2.10 Obstructions of Footpaths and Thoroughfares.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p>

Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	1.3.2 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
Function	<p>When determining to grant permission to for a dangerous excavation under Delegated Authority 1.2.12:</p> <ol style="list-style-type: none"> 1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)]. 2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)]. 3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.
Delegates	Director Infrastructure
Conditions	<ol style="list-style-type: none"> 1. Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations. 2. Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	<p>This delegated authority is effective only in alignment with Delegated Authority 1.2.12 Public Thoroughfares – Dangerous Excavations.</p> <p>Local Government (Uniform Local Provisions) Regulations 1996</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the Local Government Act 1995</p>
Policy	Nil

Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	1.3.3 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government (Uniform Local Provisions) Regulations 1996: r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
Function	<p>1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)].</p> <p>2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].</p>
Delegates	Director Infrastructure
Conditions	Nil
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	This delegated authority is effective only in alignment with Delegated Authority 1.2.14 Private Works on, over or under Public Places
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.3.4 Appoint Persons (other than employees) to Open Tenders
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government (Functions and General) Regulations 1996: r.16(3) Receiving and opening tenders, procedure for
Function	Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend the tender opening [F&G r.16(3)].
Delegates	Accountant Deputy CEO Director Infrastructure Director Sustainable Development Manager Assets Manager Development Services Manager Financial Services Manager Infrastructure Planning & Design Manager Operations Procurement Officer
Conditions	Nil
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

Delegation	1.3.5 Electoral Enrolment Eligibility Claims and Electoral Roll
Category	Electoral Roll
Head of power	01. Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995: s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election Local Government (Elections) Regulations 1997: r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
Function	<ol style="list-style-type: none"> 1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)]. 2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)]. 3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.3.42(5A)]. 4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)]. 5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13(2)]. 6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)]. 7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34]. 8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination. 9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)]. 10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].
Delegates	Deputy CEO Manager Governance & HR

Conditions	1. Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	Department of Local Government, Sport and Cultural Industries: Returning Officer Manual
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	1.3.6 Destruction of Electoral Papers
Category	Electoral Roll
Head of power	01. Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government (Elections) Regulations 1997: r.82(4) Keeping election papers – s4.84(a)
Function	Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [LG Elect. r.82(4)].
Delegates	Deputy CEO Manager Governance & HR
Conditions	Nil
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	Department of Local Government, Sport and Cultural Industries: Returning Officer Manual
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.3.7 Information to be Available to the Public
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government (Administration) Regulations 1996: r.29(2) &(3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96) Local Government Act 1995: s.9.95(1)(b) & (3)(b) Limits on right to inspect local government information
Function	<p>1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)].</p> <p>2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)].</p> <p>3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [s5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin r.29B].</p> <p>4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s5.95(1)(b)].</p> <p>5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].</p>
Delegates	Deputy CEO IDS Officer Manager Information Services Senior IDS Officer
Conditions	Nil
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	Nil

Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

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Delegation	1.3.8 Financial Management Systems and Procedures
Category	Financial Management
Head of power	01. Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government (Financial Management) Regulations 1996: r.5 CEO's Duties as to financial management
Function	<p>Authority to establish systems and procedures which give effect to internal controls and risk mitigation for the:</p> <ul style="list-style-type: none"> • Collection of money owed to the Shire of Dardanup; • Safe custody and security of money collected or held by the Shire of Dardanup; • Maintenance and security of all financial records, including payroll, stock control and costing records; • Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities; • Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards; • Making of payments in accordance with Delegated Authority; • Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements. [FM r.5].
Delegates	Deputy CEO Manager Financial Services
Conditions	<p>1. Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</p> <p>2. Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once each financial year. [LG (Audit) r.17]</p>
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	<p>Local Government Act 1995</p> <p>Local Government (Financial Management) Regulations 1996</p> <p>Local Government (Audit) Regulations 1996</p> <p>Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</p>

Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	1.3.9 Audit – CEO Review of Systems and Procedures
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government (Audit) Regulations 1996 r.17 CEO to review certain systems and procedures
Function	Authority to conduct the review of the appropriateness and effectiveness of the Shire of Dardanup's systems and procedures in relation to: <ul style="list-style-type: none"> • risk management; and • internal controls; and • legislative compliance [r.17(1)].
Delegates	Deputy CEO
Conditions	Each matter is to be reviewed at least once every 2 calendar years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	Local Government (Audit) Regulations 1996
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.3.10 Infringement Notices
Category	Law Enforcement
Head of power	01. Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995: s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice Building Regulations 2012: Regulation 70(1A), (1), (2) Approved officers and authorised officers
Function	<p>1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s.9.13(6)(b)].</p> <p>2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s.9.19].</p> <p>3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s.9.20].</p>
Delegates	Coordinator Emergency & Ranger Services Director Sustainable Development Manager Development Services
Conditions	<p>1. A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.</p> <p>2. Delegation for Dog Act, Cat Act, Parking and Parking Facilities Local Law, Caravan Parks & Camping Grounds Act, Control of Vehicles (Off-Road Areas) Act, Litter Act, Local Govt (Misc Provisions) Act, Bush Fire Act, Activities in Thoroughfares & Public Places & Trading Local Law, Local Govt Property Local Law, Local Govt Act 1995, Infringement Notices is limited to the following listed positions ONLY:</p> <ul style="list-style-type: none"> • Director Sustainable Development • Manager Development Services • Coordinator Emergency & Ranger Services <p>c. Delegation as an "Approved Officer" in accordance with Building Regulation 70(1) for the purposes of Building Act 2011 Infringement Notices is limited to the following listed positions ONLY:</p> <ul style="list-style-type: none"> • Principal Building Surveyor

Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

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Delegation	1.3.11 Health (Public Buildings) Regulations 1992
Category	Health
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Health (Public Buildings) Regulations 1992 Regulations 9A, 13 and 26A
Function	<p>1. Certificate of Approval</p> <p>Authority to vary a Certificate of Approval (upon receipt of an application under Reg. 9 to vary the Certificate). (R. 9A (1))</p> <p>2. Certificate of Approval</p> <p>Authority to impose such conditions on a Certificate of Approval as the PEHO thinks proper in relation to variation of a Certificate of Approval. (R. 9A (3) (a))</p> <p>3. Written Notice</p> <p>Authority to vary or revoke a condition imposed under Reg 9A (3) (a) by Written Notice served on the occupier of the public building. (R. 9A (3) (b))</p> <p>4. Approval</p> <p>Authority to approval manually operating sliding exit doors for a public building. (R. 14 (2))</p> <p>5. Written Direction</p> <p>Authority to direct a person to amend an emergency management plan for a public building. (R. 26A (3))</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Health (Miscellaneous Provisions) Act 1911 Part II, Div 1, s.13A CEO and Chief Health Officer may delegate
Subdelegates	Environmental Health Officer Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	Health (Public Buildings) Regulations 1992
Policy	Nil

Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	1.3.12 Health (Asbestos) Regulations 1992
Category	Health
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Health (Asbestos) Regulations 1992 Part 5 r.15D
Function	<p>1. Appointment of Authorised Officers</p> <p>Authority to appoint a person (in writing) to be “authorised officers” or “approved officers” for the purposes of the Criminal Procedures Act 2004 Part 2. (S. 15D (5))</p> <p>2. Certificate of Authority</p> <p>Authority to issue a certificate, badge, or identify card identifying an authorised officer as a person authorised to issue an infringement notice. (S. 15D (6))</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	(It is not suitable that these powers be delegated beyond the local government CEO.)
Subdelegate conditions	Nil
Statutory framework	Health (Asbestos) Regulations 1992
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	1.3.13 Local Government Property Local Law Delegations
Category	Health
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Local Government Property Local Law 2007 Cl. 3.3, 3.4 and 3.15
Function	<p>1. Permit</p> <p>Authority to approve an application for a permit for an activity defined under Clause 3.13 of the Local Government Property Local Law. (Cl. 3.3.1.a)</p> <p>2. Refusal to grant Permit</p> <p>Authority to refuse to approve an application for permit to conduct an activity on local government property. (Cl. 3.3.1.b)</p> <p>3. Conditions on a Permit</p> <p>Authority to approve a permit under Clause 3.3 (1) (a) subject to conditions in accordance with Clause 3.4. (Cl. 3.4.1)</p> <p>4. Permit to Consume Liquor</p> <p>In reference to the requirement of Clause 3.15 (1) (b), authority to permit the consumption of liquor on local government property. (Cl. 3.15)</p>
Delegates	CEO
Conditions	Nil
Subdelegates	Director Sustainable Development Environmental Health Officer Manager Development Services Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	Local Government Property Local Law 2007
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.

Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	1.3.14 Appoint Authorised Persons - Local Government Act 1995
Category	Administration/Business
Head of power	01. Local Government Act 1995
Delegator	CEO
Express power to delegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Express power or duty delegated	Local Government Act 1995: s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
Function	<p>1. Authority to appoint persons or classes of persons as authorised persons [s.3.24 and s.9.10] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations:</p> <p>(a) Local Government Act 1995 and its subsidiary legislation, including Local Government Act Regulations, the Local Government (Miscellaneous Provisions) Act 1960 and Local Laws made under the Local Government Act.</p> <p>(b) Caravan Parks and Camping Grounds Act 1995;</p> <p>(c) Cat Act 2011;</p> <p>(d) Cemeteries Act 1986;</p> <p>(e) Control of Vehicles (Off-road Areas) Act 1978;</p> <p>(f) Dog Act 1976;</p> <p>(g) Graffiti Vandalism Act 2016 – refer s.15; and</p> <p>(e) any other legislation prescribed for the purposes of s.9.10 of the Local Government Act 1995.</p> <p>2. Authority to appoint authorised persons for the purposes of section 9.16 of the Local Government Act 1995, as a precondition for appointment as authorised officers in accordance with Regulation 70(2) of the Building Regulations 2012 and section 6(b) of the Criminal Procedure Act 2004.</p>
Delegates	Deputy CEO Director Infrastructure Director Sustainable Development
Conditions	<ul style="list-style-type: none"> • A register of Authorised Persons is to be maintained as a Local Government Record. • Only persons who are appropriately qualified and trained may be appointed as authorised persons.
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegate conditions	Nil

Statutory framework	Nil
Policy	Nil
Record keeping	<p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p>
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

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1.4 Local Law Delegations to the CEO

Delegation	1.4.1 Infrastructure Control – Activities in Thoroughfares and Public Places and Trading Local Law
Category	Engineering
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Activities in Thoroughfares and Public Places and Trading Local Law: cl.2.5(2) Removal of redundant crossing cl.2.11 Notice to owner or occupier cl.2.15 Assignment of numbers cl.2.17(1) Signs cl.4.3 Declaration of flora road cl.4.5 Signposting of flora roads cl.4.7 Designation of special environmental areas cl.5.18 Obligations of permit holder (Outdoor Eating Facility) cl.6.1 Application for Permit cl.6.2 Decision on application for permit cl.6.3 Conditions which may be imposed on a permit cl.6.4 Compliance with and variation of conditions cl.6.6 Renewal of permit cl.6.7 Transfer of permit cl.9.9 Cancellation of permit cl.8.1 Notice to redirect or repair sprinkler cl.8.2 Hazardous plants cl.8.3 Notice to repair damage to thoroughfare cl.8.4 Notice to remove thing unlawfully placed on thoroughfare cl.9.2 Local government may undertake requirements of notice
Function	1. General Activity Control <i>1A. Authority, limit to permits subject of this delegation, to:</i> <ul style="list-style-type: none"> • determine the form of a permit application [cl.7.1(1)(a)]; • require an applicant to provide additional information reasonably required to determine the application [cl.7.1(3)]; • require a permit applicant to give local public notice of the application for a permit [cl.7.1(4)]; • refuse to consider a permit application which is not in accordance with the application form or fee requirements [cl.7.1(4)]; • determine the form of the permit [cl.7.2(2)]. <i>1B. Authority to approve [cl.7.2], renew [c;.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a Policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:</i> <ul style="list-style-type: none"> • a. Temporary vehicle crossing [cl.2.4(1)]

- b. Any activity described as requiring a permit under cl.2.2(1);
 - i. dig or otherwise create a trench through or under a kerb or footpath;
 - ii. throw, place or deposit anything on a verge;
 - iii. cause any obstruction to a vehicle or person using a thoroughfare;
 - iv. cause any obstruction to a water channel;
 - v. throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
 - vi. damage a thoroughfare;
 - vii. light any fire or burn anything on a thoroughfare other than under a permit issued under cl.5.13;
 - viii. fell any tree onto a thoroughfare;
 - ix. lay pipes under or provide taps on any verge or place or install anything on any part of a thoroughfare;
 - x. provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
 - xi. use or do anything so as to create a nuisance;
 - xii. place or cause to be placed in on a thoroughfare a bulk rubbish container;
 - xiii. interfere with the soil of or anything in a thoroughfare or take anything from a thoroughfare;
- c. Drive or take a vehicle on a closed thoroughfare [cl.2.19];
- d. Erect or place an advertising or directional sign [cl.3.2]
- e. Use of portable signs [cl.3.4];
- f. Erection or placement of an Election Sign on a thoroughfare [cl.3.5];
- g. Leave an animal or vehicle in a public place or local government property [cl.4.1(1)];
- h. Clear and maintain in a cleared state, the surface of a thoroughfare within 1m of the person's land [cl.5.11].
- i. Burn, subject to the Bush Fires Act 1954, slash or apply herbicides to part of a thoroughfare to reduce fire hazard, with the method approved to be beneficial to the preservation and conservation of native flora and fauna [cl.5.15]
- j. Construct firebreaks on a thoroughfare [cl.5.17]

1C. Authority to determine conditions [cl.7.2(4)] to be complied with by a permit holder, and to vary conditions [cl.7.5]

1D. Authority to exempt a person from requiring a permit under cl.2.2(1) [cl.2.2(2)].

2. Use of Public Places

Authority to determine conditions of use of a public place and to erect a sign to give effect to that decision [cl.2.17(1)].

3. Crossings

Authority to give written notice, requiring an owner or occupier to remove any part or all of a crossing which does not give access to the land and reinstate the kerb, drain, footpath, verge and other thoroughfare infrastructure [cl.2.5(2)].

4. Thoroughfares and Verges

4A. Authority to determine and maintain the list of "acceptable materials" which may be used as a verge treatment to create a hard stand and stable surface [cl.2.6].

4B. Authority to give notice to an owner or occupier to make good the verge abutting their property, which is in breach of a provision of Verge Treatment requirements [cl.2.11].

4C. Authority to assign a number to a lot and to assign another number to the lot instead of that

	<p>previously assigned [cl.2.15].</p> <p>4D. Authority to give notice to the owner or occupier of land abutting a thoroughfare to:</p> <ul style="list-style-type: none"> • Alter the direction of a sprinkler or other watering equipment [cl.9.1]; • Remove, cut, move or otherwise deal with a plant that is causing a hazard for any person using a thoroughfare [cl.9.2]; <p>4E. Authority to give notice to the owner or occupier of land abutting a thoroughfare, or any such person who may be responsible, to:</p> <ul style="list-style-type: none"> • Repair or replace that portion of a thoroughfare, which a person has caused damage to [cl.9.3]; • Remove any thing placed in a thoroughfare in contravention of this Local Law [cl.9.4]. <p>4F. Authority to do the thing specified in a notice, where a person fails to comply with the notice, and recover from the person as a debt, the costs incurred in doing so [cl.10.2].</p> <p>5. Flora and Fauna within Thoroughfares</p> <p>5A. Authority to declare a flora road and to signpost it, where roadside vegetation is determined as high quality [cl.5.3 and cl.5.5].</p> <p>5B. Authority to designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which has protected or rare flora or fauna or has environmental, aesthetic or cultural significance [cl.5.7].</p> <p>5C. Authority to approve [cl.7.2], renew [c.7.7], transfer [cl.7.8] refuse [cl.7.2] or cancel [cl.7.10] Permits, subject to conditions either prescribed in the Local Law [cl. 7.3] or a policy adopted under cl.7.4 or determined as appropriate [cl.7.2(4)], limited to:</p> <ul style="list-style-type: none"> • Collecting native flora and / or native flora seeds [cl.5.20]; • Planting or sowing any plant seeds in a thoroughfare [cl.5.9]. <p>5D. Authority to determine conditions [cl.7.2(4) and cl.7.8] to be complied with by a permit holder, and to vary conditions [cl.7.5]</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p>Local Government Act 1995:</p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Coordinator Emergency & Ranger Services Director Infrastructure Director Sustainable Development Manager Assets Manager Development Services Manager Infrastructure Planning & Design Manager Operations</p>

Subdelegate conditions	Nil
Statutory framework	<p>A register of all special environmental areas must be maintained under cl.5.8 of the Activities in Thoroughfares and Public Places and Trading Local Law.</p> <p>Security deposits for Dangerous Excavations and Private Works in Public Places, are a permit condition determined in accordance with Regulations 11 and 17 of the Local Government (Uniform Local Provisions) Regulations 1996 – refer CEO Delegations 1.3.3 and 1.3.4.</p> <p>Crossing permits are approved under Regulations 12 and 13 of the Local Government (Uniform Local Provisions) Regulations 1996 – refer Delegation 1.2.13 Crossings – Construction, Repair and Removal.</p>
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

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Delegation	1.4.2 Trading, Stallholders, Performing and Outdoor Dining – Activities in Thoroughfares and Public Places and Trading Local Law
Category	Health
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Activities in Thoroughfares and Public Places and Trading Local Law: cl. 5.5 (2) Refusal of Stallholder Permit 5.6 (1) Conditions of Permit
Function	<p>1. Refusal of Stallholder permit application</p> <p>Authority to refuse to approve an application for a stallholder’s permit on the grounds that –</p> <ul style="list-style-type: none"> • The applicant has committed a breach of any provision of the Activities in Thoroughfares and Public Places and Trading Local Law, or any written law relevant to the activity for which the permit is sought; • The applicant is not a desirable or suitable person to hold a permit; • Such other grounds as the local government may consider to be relevant in the circumstances of the case. <p>2. Conditions of Permit</p> <p>Authority to include conditions listed in Clause 5.6 in a Permit.</p> <p>3. Power to Authorise</p> <p>Authority to authorise (at the request of a permit holder) another person to be a nominee of the permit holder for a specified period.</p> <p>4. Written Notice</p> <p>Authority to issue written notice on a permit holder varying:</p> <ul style="list-style-type: none"> • The permitted area; • The permitted time; or • Both the permitted area and the permitted time. <p>5. Direction</p> <p>Authority to give notice to a permit holder of an “Outdoor Eating Facility” to carry out work within in the time limited by the notice.</p> <p>“Work” includes:</p> <p>Removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a Facility.</p>

	<p>6. Power to Require Information</p> <p>Authority to require an applicant to provide additional information reasonably related to an application (for a Permit) before determining that application.</p> <p>7. Power to Refuse</p> <p>Authority to refuse to consider an application for a Permit which is not in accordance with Clause 6.1 (2).</p> <p>8. Permit to Trade</p> <p>Authority to approve an application for a permit to trade unconditionally or subject to any conditions, in accordance with the Mobile Trader's Policy.</p> <p>9. Refuse a Permit</p> <p>Authority to refuse to approve an application for a permit.</p> <p>10. Written Notice</p> <p>Authority to issue written notice (to an applicant) of refusal to approve an application.</p> <p>11. Written Notice</p> <p>Authority to issue written notice (to an applicant) of refusal to approve an application.</p> <p>12. Conditions on Permit</p> <p>Authority to impose conditions listed in Clause 6.3 on a permit.</p> <p>13. Vary Conditions of a Permit</p> <p>Authority to vary the conditions of a permit.</p> <p>14. Transfer of Permit</p> <p>Authority to approve an application to transfer a Permit, refuse to approve it, or approve it subject to any conditions.</p> <p>15. Cancellation of a Permit</p> <p>Authority to cancel a Permit.</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p>Local Government Act 1995:</p> <p>s.5.44 CEO may delegate some powers and duties to other employees</p>
Subdelegates	<p>Director Sustainable Development Environmental Health Officer Manager Development Services Principal Environmental Health Officer</p>

Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
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Delegation	1.4.3 Activities in Thoroughfares and Public Places and Trading Local Law Delegations
Category	Health
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Nil
Function	<p>1. Waiving of Fees</p> <p>Authority to waive or return any application fee for a stallholder's permit or trader's permit if the stall or trading activity is conducted:</p> <ul style="list-style-type: none"> • on a portion of a public place adjoining the normal place of business of the applicant; or • by a charitable organisation. (Cl. 5.7.2) <p>2. Refusal of Stallholder permit application</p> <p>Authority to refuse to approve an application for a stallholder's permit on the grounds that –</p> <ul style="list-style-type: none"> • The applicant has committed a breach of any provision of the Activities in Thoroughfares and Public Places and Trading Local Law, or any written law relevant to the activity for which the permit is sought; • The applicant is not a desirable or suitable person to hold a permit; Such other grounds as the local government may consider to be relevant in the circumstances of the case. (Cl. 5.5.2) <p>3. Conditions of Permit</p> <p>Authority to include conditions listed in Clause 5.6 in a Permit. (Cl. 5.6.1).</p> <p>4. Power to Authorise</p> <p>Authority to authorise (at the request of a permit holder) another person to be a nominee of the permit holder for a specified period. (Cl. 5.6.2)</p> <p>5. Written Notice</p> <p>Authority to issue written notice on a permit holder varying:</p> <ul style="list-style-type: none"> • The permitted area; • The permitted time; or <p>Both the permitted area and the permitted time. (Cl. 5.11.1)</p> <p>6. Direction</p> <p>Authority to direct a permit holder to move from one permitted area to another (if more than one area is specified in the permit). (Cl. 5.11.2)</p> <p>7. Notice to require work</p> <p>Authority to give notice to a permit holder of an "Outdoor Eating Facility" to carry out work within in the time limited by the notice.</p> <p>"Work" includes:</p>

	<p>Removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a Facility. (Cl. 5.18.2)</p> <p>8. Power to require information</p> <p>Authority to require an applicant to provide additional information reasonably related to an application (for a Permit) before determining that application. (Cl. 6.1.3)</p> <p>9. Power to refuse</p> <p>Authority to refuse to consider an application for a Permit which is not in accordance with Clause 6.1 (2). (Cl. 6.1.5)</p> <p>10. Permit to Trade</p> <p>Authority to approve an application for a permit (to trade) unconditionally or subject to any conditions in accordance with the Mobile Traders Policy. (Cl. 6.2.1.a)</p> <p>11. Refuse a Permit</p> <p>Authority to refuse to approve an application for a permit. (Cl. 6.2.1.b)</p> <p>12. Written Notice</p> <p>Authority to issue written notice (to an applicant) of refusal to approve an application. (Cl. 6.2.3)</p> <p>13. Conditions on Permit</p> <p>Authority to impose conditions listed in Clause 6.3 on a permit. (Cl. 6.3)</p> <p>14. Vary conditions of a Permit</p> <p>Authority to vary the conditions of a permit. (Cl. 6.4.2)</p> <p>15. Transfer of Permit</p> <p>Authority to approve an application to transfer a Permit, refuse to approve it, or approve it subject to any conditions. (Cl. 6.7.2)</p> <p>16. Cancellation of a Permit</p> <p>Authority to a Permit. (Cl. 6.9.1)</p> <p>17. Written Notice</p> <p>Authority to issue a written notice to the owner or occupier of the property which abuts a portion of a thoroughfare on which anything is placed in contravention of the Activities in Thoroughfares and Public Places and Trading Local Law to remove the thing; AND</p> <p>The authority to issue written notice on any person who is responsible for the thing being placed on a thoroughfare to remove the thing. (Cl. 8.4)</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Health (Miscellaneous Provisions) Act 1911 Part II, Div 1, s.13A CEO and Chief Health Officer may delegate

Subdelegates	Director Sustainable Development Environmental Health Officer Manager Development Services Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	Activities in Thoroughfares and Public Places and Trading Local Law 2009
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

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Delegation	1.4.4 Shire of Dardanup Health Local Laws Delegations
Category	Health
Head of power	01. Local Government Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Nil
Function	<p>Ventilation Written Notice</p> <p>Authority to issue a notice requiring an owner of a house to:</p> <ul style="list-style-type: none"> • Provide a different, or additional method of ventilation; or • Cease using the house until it is properly ventilated. (Cl. 3.2.4.4) <p>Authority to issue a notice requiring the occupier of a car park to:</p> <ul style="list-style-type: none"> • Provide a different or additional method of ventilation; and • Cease using the car park until it is properly ventilated. (Cl. 5.7.2.2) <p>Keeping of Birds</p> <ul style="list-style-type: none"> • Authority to revoke the approval to keep cage birds. (Cl. 5.2.8.1) • Authority to issue written notice of revoke of approval to keep a cage-bird. (Cl. 5.2.8.2) <p>Receiving Depot</p> <p>Authority to issue a written notice permitting the use of a premises as a receiving depot for a laundry, dry cleaning establishment or dye works. (Cl. 9.4.2)</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Health (Miscellaneous Provisions) Act 1911 Part II, Div 1, s.13A CEO and Chief Health Officer may delegate
Subdelegates	Director Sustainable Development Environmental Health Officer Manager Development Services Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	Shire of Dardanup Health Local Laws 2000
Policy	Nil

Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

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02. Building Act 2011

Building Act 2011

2.1 Council to CEO / Employees

Delegation	2.1.1 Grant or Refuse a Building Permit
Category	Building
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Act 2011: s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit Building Regulations 2012: r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a building permit application [s.18(1)]. 2. Authority to grant or refuse to grant a building permit [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ul style="list-style-type: none"> • Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] • Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

Subdelegates	Director Sustainable Development Manager Development Services Principal Building Surveyor
Subdelegate conditions	Nil
Statutory framework	<p>Building Act 2011</p> <p>s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit</p> <p>Building Regulations 2012 – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</p> <p>Building Services (Registration Act) 2011 – Section 7</p> <p>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</p> <p>Building and Construction Industry Training Levy Act 1990</p> <p>Heritage of Western Australia Act 1990</p>
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

Delegation	2.1.2 Grant or Refuse a Demolition Permit
Category	Building
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Act 2011: s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit Building Regulations 2012 r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
Function	<ol style="list-style-type: none"> 1. Authority to require an applicant to provide any documentation or information required to determine a demolition permit application [s.18(1)]. 2. Authority to grant or refuse to grant a demolition permit on the basis that all s.21(1) requirements have been satisfied [s.20(1) & (2) and s.22]. 3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and(3)]. 4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ul style="list-style-type: none"> • Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)] • Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)]. 5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Director Sustainable Development Manager Development Services Principal Building Surveyor

Subdelegate conditions	Nil
Statutory framework	<p>Building Act 2011</p> <p>s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit</p> <p>Building Services (Complaint Resolution and Administration) Act 2011 -- Part 7, Division 2</p> <p>Building and Construction Industry Training Levy Act 1990</p> <p>Heritage of Western Australia Act 1990</p>
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

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Delegation	2.1.3 Grant or Refuse an Occupancy Permits or Building Approval Certificates
Category	Building
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Act 2011: s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration Building Regulations 2012 r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
Function	1. Authority to require an applicant to provide any documentation or information required in order to determine an application [s.55]. 2. Authority to grant, refuse to grant or to modify an occupancy permit or building approval certificate [s.58]. 3. Authority to impose, add, vary or revoke conditions on an occupancy permit [s.62(1) and (3)]. 4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Director Sustainable Development Manager Development Services Principal Building Surveyor
Subdelegate conditions	Nil

Statutory framework	<p>Building Act 2011</p> <p>s.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.121 Occupancy permits and building approval certificates – application for review by SAT</p> <p>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</p> <p>Building and Construction Industry Training Levy Act 1990</p> <p>Heritage of Western Australia Act 1990</p>
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

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Delegation	2.1.4 Designate Employees as Authorised Persons - Building Act 2011
Category	Building
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Act 2011: s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
Function	1. Authority to designate an employee as an authorised person [s.96(3)]. 2. Authority to revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person [s.99(3)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Director Sustainable Development Manager Development Services
Subdelegate conditions	Nil
Statutory framework	Building Act 2011: s.97 requires each person designated as an authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	2.1.5 Building Orders
Category	Building
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Act 2011: s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
Function	<p>1. Authority to make Building Orders in relation to:</p> <ul style="list-style-type: none"> • Building work • Demolition work • An existing building or incidental structure [s.110(1)]. <p>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</p> <p>3. Authority to revoke a building order [s.117].</p> <p>4. If there is non-compliance with a building order, authority to cause an authorised person to:</p> <ul style="list-style-type: none"> • take any action specified in the order ; or • commence or complete any work specified in the order; or • if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)]. <p>5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</p> <p>6. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the Building Act 2011.</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Director Sustainable Development Manager Development Services Principal Building Surveyor

Subdelegate conditions	Nil
Statutory framework	Building Act 2011: Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - s.122 Building orders – application for review by SAT
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

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Delegation	2.1.6 Inspection and Copies of Building Records
Category	Building
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Act 2011: s.131(2) Inspection, copies of building records
Function	Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Director Sustainable Development IDS Officer Manager Development Services Principal Building Surveyor Senior IDS Officer
Subdelegate conditions	Nil
Statutory framework	Building Act 2011 - s.146 Confidentiality
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

Delegation	2.1.7 Issuing Design, Construction and Building Compliance Certificates
Category	Building
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Act 2011: s.145A Local Government functions
Function	1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)]. 2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire of Dardanup's District [s.145A(2)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Principal Building Surveyor
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

Delegation	2.1.8 Private Pool Barrier – Alternative Solutions
Category	Building
Head of power	02. Building Act 2011
Delegator	Permit Authority (Local Government)
Express power to delegate	Building Act 2011: s.127(1) & (3) Delegation: special permit authorities and local government
Express power or duty delegated	Building Regulations 2012: r.51 Approvals by permit authority
Function	<p>1. Authority to approve requirements alternative to a fence, wall, gate or other component included in the barrier, if satisfied that the alternative requirements will restrict access by young children as effectively as if there were compliance with AS 1926.1 [r.51(2)]</p> <p>2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51 (3)]</p> <p>3. Authority to approve alternative solutions to a Building Code pool barrier requirement if satisfied that the alternative solution complies with the relevant performance requirement [r.51 (5)].</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Building Act 2011: s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
Subdelegates	Principal Building Surveyor
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

03. Bush Fires Act 1954

Bush Fires Act 1954

3.1 Council to CEO, Mayor, Bush Fire Control Officer

Delegation	3.1.1 Make Request to FES Commissioner – Control of Fire
Category	Law Enforcement
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
Function	<p>1. Authority to request on behalf of the Shire of Dardanup that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].</p> <p>2. The Chief Executive Officer may authorise the Chief Bush Fire Control Officer or the Deputy Chief Bush Fire Control Officers to request the FES Commissioner to authorise the Bush Fire Liaison Officer or another person to take control of fire operations, to be undertaken as their duties in the course of normal business, in accordance with [s.48(4)]</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	3.1.2 Prohibited Burning Times – Vary
Category	Law Enforcement
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Function	Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].
Delegates	Chief Bush Fire Control Officer Shire President
Conditions	Decisions under s,17(7) must be undertake jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
Express power to subdelegate	Nil – Sub-delegation is prohibited by s.48(3)
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	3.1.3 Prohibited Burning Times – Control Activities
Category	Law Enforcement
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
Function	<p>1. Authority to determine permits to burn during prohibited burning times that have previously been refused by a Bush Fire Control Officer [r.15].</p> <p>2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</p> <p>3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].</p> <p>4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</p> <p>5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</p> <p>6. Authority to recover the cost of measures taken by the Shire of Dardanup or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</p>
Delegates	CEO
Conditions	Decisions under s,17(7) must be undertake jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8)
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)

Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	3.1.4 Restricted Burning Times – Vary and Control Activities (DRAFT)
Category	Law Enforcement
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land s.17(10) Prohibited burning times may be declared by Minister <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times

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Function	<p>1. Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)].</p> <ul style="list-style-type: none"> • Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C]. <p>2. Authority, where a permitted burn fire escapes or is out of control in the opinion of the Bush Fire Control Officer or an officer of the Bush Fire Brigade, to determine to recoup bush fire brigade expenses arising from preventing extension of or extinguishing an out of control permitted burn [s.18(11)].</p> <p>3. Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].</p> <p>4. Authority to arrange with the occupier of exempt land, the occupier of land adjoining it and the Bush Fire Brigade to cooperate in burning fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)].</p> <p>5. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</p> <p>6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].</p> <p>7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</p> <p>8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</p> <p>9. Authority to recover the cost of measures taken by the Shire of Dardanup or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</p> <p>10. s.17(10) Authority to delegate to its president, and its Chief Bush Fire Control Officer, jointly its powers and duties to vary restricted burning times.</p>
Delegates	CEO Chief Bush Fire Control Officer
Conditions	Nil
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Subdelegate conditions	Nil

Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.

Amendments			
Approved	Type	Amendment	References
29 Mar 2021	Amended delegation	Chief Bush Fire Control Office should of been on this delegation when endorsed, as according to Bush Fires Act 1975. This was picked up when trying to log delegation of power.	Chief Bush Fire Control Office should of been on this delegation when endorsed, as according to Bush Fires Act 1975. This was picked up when trying to log delegation of power.

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Delegation	3.1.5 Control of Operations Likely to Create Bush Fire Danger
Category	Law Enforcement
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.27D Requirements for carriage and deposit of incendiary material <i>Bush Fire Regulations 1954:</i> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
Function	1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ul style="list-style-type: none"> • a person operating a bee smoker device during a prescribed period [r.39CA(5)]. • a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)]. • a person using explosives [r.39D(2)]. • a person using fireworks [r.39E(3)] 2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	3.1.6 Burning Garden Refuse / Open Air Fires
Category	Law Enforcement
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25 <i>Bush Fire Regulations 1954:</i> r.27(3) Permit, issue of
Function	<p>1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].</p> <p>2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)].</p> <ul style="list-style-type: none"> • Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)]. • Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34]. <p>3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of:</p> <ul style="list-style-type: none"> • camping or cooking [s.25(1)(a)]. • conversion of bus into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)]. <p>4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].</p> <p>5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].</p>
Delegates	CEO
Conditions	Nil

Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	3.1.7 Fire-Breaks
Category	Law Enforcement
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
Function	<p>1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire of Dardanup:</p> <ul style="list-style-type: none"> • clearing of fire-breaks as determined necessary and specified in the notice; and • act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and • as a separate or coordinated action with any other person carry out similar actions [s.33 (1)]. <p>2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)].</p> <p>3. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer
Category	Law Enforcement
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
Function	<p>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and</p> <ul style="list-style-type: none"> • Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and • Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)]. <p>2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Dardanup [s.38(5A)]</p> <p>3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)].</p> <p>4. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	3.1.9 Control and Extinguishment of Bush Fires
Category	Law Enforcement
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
Function	<p>1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s.46(1A)].</p> <p>2. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	3.1.10 Apply for Declaration as an Approved Area
Category	Law Enforcement
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.52(1) Approved area may be declared
Function	Authority to apply to the Minister to have the local government district, or part of the district, declared as an approved area. [s.50(1)] (Note - The declaration of a district, or part thereof, as an approved area, results in a reduction in insurance premium of crops within that area s.53.)
Delegates	CEO
Conditions	Nil
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	3.1.11 Recovery of Expenses Incurred through Contraventions of this Act
Category	Law Enforcement
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
Function	Authority to recover expenses incurred as a result of an offence against the Bush Fires Act, being expenses incurred through the fulfilment of a duty or doing anything for which the Act empowered or required the Shire of Dardanup or those on behalf of the Shire of Dardanup to do [s.58].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	3.1.12 Prosecution of Offences (DRAFT)
Category	Law Enforcement
Head of power	03. Bush Fires Act 1954
Delegator	Council
Express power to delegate	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
Express power or duty delegated	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A Alternative procedure – infringement notices s.59 (3) Prosecution of offences
Function	<p>1. The Chief Executive Officer be delegated authority to perform the functions required under the Bush Fires Act 1954.</p> <p>2 Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].</p> <p>3. Authority to serve an infringement notice for an offence against this Act [s.59A].</p> <p>4. An infringement notice may, whether or not the prescribed penalty has been paid, be withdrawn, at any time within 60 days after the service of the notice, by the sending of a notice, in the prescribed form, signed by a prescribed officer [s.59A(5), r.4 (a)]</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	NIL – Sub-delegation is prohibited by s.48(3)
Subdelegate conditions	Nil
Statutory framework	<i>Bush Fires Act 1954:</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.

04. Cat Act 2011

Cat Act 2011

4.1 Council to CEO

Delegation	4.1.1 Cat Registrations
Category	Law Enforcement
Head of power	04. Cat Act 2011
Delegator	Council
Express power to delegate	Cat Act 2011: s.44 Delegation by local government
Express power or duty delegated	Cat Act 2011: s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags
Function	<p>1. Authority to grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9 (1)].</p> <p>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)].</p> <p>3. Authority to cancel a cat registration [s.10].</p> <p>4. Authority to give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)].</p>
Delegates	CEO
Conditions	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011
Express power to subdelegate	Cat Act 2011: s.45 Delegation by CEO of local government
Subdelegates	Coordinator Emergency & Ranger Services Customer Service Officer Executive Support Officer Governance Officer Ranger Senior Governance Officer Senior Ranger
Subdelegate conditions	Nil

Statutory framework	<p>Cat Regulations 2012</p> <p>r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration. r.12 Period of registration (s.9(7)) r.13 Changes in registration r.14 Registration certificate (s.11(1)(b)) r.15 Registration tags (s.76(2))</p>
Policy	Nil
Record keeping	<p>Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.</p> <p>s.47 (3) - Cat Act 2011 – Register of, and review of, delegations</p>
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	4.1.2 Cat Control Notices
Category	Law Enforcement
Head of power	04. Cat Act 2011
Delegator	Council
Express power to delegate	Cat Act 2011: s.44 Delegation by local government
Express power or duty delegated	Cat Act 2011: s.26 Cat control notice may be given to cat owner
Function	Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Dardanup's District [s.26].
Delegates	CEO
Conditions	Part 3 – Management of Cats – Division 1 – Cat Control Notices
Express power to subdelegate	Cat Act 2011: s.45 Delegation by CEO of local government
Subdelegates	Coordinator Emergency & Ranger Services Ranger Senior Ranger
Subdelegate conditions	Nil
Statutory framework	Cat Regulations 2012 – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	4.1.3 Approval to Breed Cats
Category	Law Enforcement
Head of power	04. Cat Act 2011
Delegator	Council
Express power to delegate	Cat Act 2011: s.44 Delegation by local government
Express power or duty delegated	Cat Act 2011: s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
Function	<p>1. Authority to grant or refuse to grant approval or renew an approval to breed cats [s.37(1) and (2)].</p> <p>2. Authority to refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.37(4)].</p> <p>3. Authority to cancel an approval to breed cats [s.38].</p> <p>4. Authority to give an approved breeder a new certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.39(2)].</p>
Delegates	CEO
Conditions	Notices of decisions must include advice as to Objection and Review rights in accordance with Part 4, Division 5 of the Cat Act 2011.
Express power to subdelegate	Cat Act 2011: s.45 Delegation by CEO of local government
Subdelegates	Coordinator Emergency & Ranger Services Director Sustainable Development Manager Development Services
Subdelegate conditions	Nil
Statutory framework	Cat Regulations 2012: r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1))
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.

Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	4.1.4 Recovery of Costs – Destruction of Cats
Category	Law Enforcement
Head of power	04. Cat Act 2011
Delegator	Council
Express power to delegate	Cat Act 2011: s.44 Delegation by local government
Express power or duty delegated	Cat Act 2011: s.49(3) Authorised person may cause cat to be destroyed
Function	Authority to recover the amount of the costs associated with the destruction and the disposal of a cat [s.49(3)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Cat Act 2011: s.45 Delegation by CEO of local government
Subdelegates	Coordinator Emergency & Ranger Services Director Sustainable Development Manager Development Services Senior Ranger
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

Delegation	4.1.5 Applications to Keep Additional Cats
Category	Law Enforcement
Head of power	04. Cat Act 2011
Delegator	Council
Express power to delegate	Cat Act 2011: s.44 Delegation by local government
Express power or duty delegated	Cat (Uniform Local Provisions) Regulations 2013: r.8 Application to keep additional number of cats r.9 Grant of approval to keep additional number of cats
Function	<p>1. Authority to require any document or additional information required to determine an application [r.8(3)]</p> <p>2. Authority to refuse to consider an application if the applicant does not comply with a requirement to provide any document or information required to determine an application [r.8 (4)].</p> <p>3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [r.9].</p>
Delegates	CEO
Conditions	Notices of decisions must include advice as to Review rights in accordance with r.11 of the Cat (Uniform Local Provisions) Regulations 2013.
Express power to subdelegate	Cat Act 2011: s.45 Delegation by CEO of local government
Subdelegates	Coordinator Emergency & Ranger Services Director Sustainable Development Manager Development Services
Subdelegate conditions	If an application has received objections from surrounding land owners, in regards to the keep of additional cats, the application must be brought to council for approval or rejection.
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

Delegation	4.1.6 Reduce or Waiver Registration Fee
Category	Law Enforcement
Head of power	04. Cat Act 2011
Delegator	Council
Express power to delegate	Cat Act 2011: s.44 Delegation by local government
Express power or duty delegated	Cat Regulations 2012: Schedule 3 Fees clause 1(4)
Function	Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
Delegates	CEO
Conditions	This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any class of cat within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the Local Government Act 1995.
Express power to subdelegate	Cat Act 2011: s.45 Delegation by CEO of local government
Subdelegates	Coordinator Emergency & Ranger Services Director Sustainable Development Manager Development Services
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

4.2 CEO to Employees

Delegation	4.2.1 Infringement Notices – Extensions and Withdrawals
Category	Law Enforcement
Head of power	04. Cat Act 2011
Delegator	CEO
Express power to delegate	Cat Act 2011: s.45 Delegation by CEO of local government
Express power or duty delegated	Cat Act 2011: s.64 Extension of time s.65 Withdrawal of notice
Function	1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s.64]. 2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s.65].
Delegates	Coordinator Emergency & Ranger Services Director Sustainable Development Manager Development Services
Conditions	Nil
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	Cat Regulations 2012: r.28 Withdrawal of infringement notice (s.65(1))
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

05. Dog Act 1976

Dog Act 1976

5.1 Council to CEO

Delegation	5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons
Category	Law Enforcement
Head of power	05. Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: s.10A Payments to veterinary surgeons towards costs of sterilisation
Function	<p>1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$500. [s.10A(1)(a) and (3)].</p> <p>2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].</p>
Delegates	CEO
Conditions	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Coordinator Emergency & Ranger Services Director Sustainable Development Manager Development Services
Subdelegate conditions	Note: This may only come into play if the LG declares a dog as restricted or dangerous. This is the only time there is a requirement for a dog to be sterilised and should stay with the CEO.
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

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Delegation	5.1.2 Refuse or Cancel Registration
Category	Law Enforcement
Head of power	05. Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: s.15(4A) and s15(4B) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
Function	<p>1. Authority to determine to refuse a dog registration and refund the fee, if any [s.16(2)].</p> <p>2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where:</p> <ul style="list-style-type: none"> • the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011 or the Animal Welfare Act 2002; or • the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or • the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept • the dog is required to be microchipped but is not microchipped; or • the dog is a dangerous dog [s.16(3) and s.17A(2)]. <p>3. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)].</p> <p>4. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]</p>
Delegates	CEO
Conditions	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

Subdelegates	Coordinator Emergency & Ranger Services Director Sustainable Development Manager Development Services Ranger Senior Ranger
Subdelegate conditions	Nil
Statutory framework	<i>Dog Act 1976</i> s.17A If no application for registration made – procedure for giving notice of decision under s.16(3) Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

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Delegation	5.1.3 Kennel Establishments
Category	Law Enforcement
Head of power	05. Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: s.27 Licensing of approved kennel establishments
Function	Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)]
Delegates	CEO
Conditions	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Coordinator Emergency & Ranger Services Director Sustainable Development Manager Development Services Senior Ranger
Subdelegate conditions	Nil
Statutory framework	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

Delegation	5.1.4 Determine Recoverable Expenses for Dangerous Dog Declaration
Category	Law Enforcement
Head of power	05. Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: s.33M(1)(a) Local Government expenses to be recoverable
Function	Authority to determine the reasonable charge to be paid by an owner at the time of payment of the registration fee under s.15, up to any maximum amount prescribed, having regard to the expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
Delegates	CEO
Conditions	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Coordinator Emergency & Ranger Services Director Sustainable Development Manager Development Services Senior Ranger
Subdelegate conditions	Nil
Statutory framework	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

Delegation	5.1.5 Recovery of Moneys Due Under this Act
Category	Law Enforcement
Head of power	05. Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: s.29(5) Power to seize dogs
Function	Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
Delegates	CEO
Conditions	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Coordinator Emergency & Ranger Services Director Sustainable Development Manager Development Services Senior Ranger
Subdelegate conditions	Nil
Statutory framework	Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense s.33M Local government expenses to be recoverable. s.47 Veterinary service expenses recoverable from local government r.31 Local government expenses as to dangerous dogs (declared)
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

Delegation	5.1.6 Dispose of or Sell Dogs Liable to be Destroyed
Category	Law Enforcement
Head of power	05. Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: s.29(11) Power to seize dogs
Function	Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
Delegates	CEO
Conditions	<p>1. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</p> <p>2. Proceeds from the sale of dogs are to be directed into the Municipal Fund.</p>
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Coordinator Emergency & Ranger Services Director Sustainable Development Manager Development Services Senior Ranger
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

Delegation	5.1.7 Declare Dangerous Dog
Category	Law Enforcement
Head of power	05. Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: s.33E(1) Individual dog may be declared to be dangerous dog (declared)
Function	Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
Delegates	CEO
Conditions	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Coordinator Emergency & Ranger Services Director Sustainable Development Manager Development Services
Subdelegate conditions	Nil
Statutory framework	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

Delegation	5.1.8 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke
Category	Law Enforcement
Head of power	05. Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1) Local government may revoke declaration or proposal to destroy
Function	<ol style="list-style-type: none"> 1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s.33F(6)]. 2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s.33G(4)]. 3. Authority to revoke a declaration of a dangerous dog or notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s.33H(1)] 4. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation. 2. Should not be sub-delegated due to delegates registered in 7.1.9
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Deputy CEO Director Sustainable Development
Subdelegate conditions	Nil
Statutory framework	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Policy	Nil

Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	5.1.9 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice
Category	Law Enforcement
Head of power	05. Dog Act 1976
Delegator	Council
Express power to delegate	Dog Act 1976: s.10AA Delegation of local government powers and duties
Express power or duty delegated	Dog Act 1976: s.33H(5) Local government may revoke declaration or proposal to destroy
Function	Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: <ul style="list-style-type: none"> • a notice declaring a dog to be dangerous; or • a notice proposing to cause a dog to be destroyed.
Delegates	CEO
Conditions	The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.
Express power to subdelegate	Dog Act 1976: s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
Subdelegates	Deputy CEO Director Sustainable Development
Subdelegate conditions	Nil
Statutory framework	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

06. Food Act 2008

Food Act 2008

6.1 Council to CEO / Employees

Delegation	6.1.1 Determine Compensation
Category	Health
Head of power	06. Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	Food Act 2008: s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
Function	1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
Delegates	CEO
Conditions	1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time. 2. Compensation under this delegation may only be determined upon documented losses up to a maximum of \$5,000. Compensation requests above this value are to be reported to Council.
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Subdelegate conditions	Nil
Statutory framework	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.

Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	6.1.2 Prohibition Orders
Category	Health
Head of power	06. Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	Food Act 2008: s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
Function	1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s.65 of the Food Act 2008 [s.65(1)]. 2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66]. 3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].
Delegates	CEO Environmental Health Officer Principal Environmental Health Officer
Conditions	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Subdelegate conditions	Nil
Statutory framework	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	6.1.3 Food Business Registrations
Category	Health
Head of power	06. Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	Food Act 2008: s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
Function	1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
Delegates	CEO Environmental Health Officer Principal Environmental Health Officer
Conditions	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> • Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA • Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1 • WA Priority Classification System • Verification of Food Safety Program Guideline
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Subdelegate conditions	Nil
Statutory framework	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	6.1.4 Appoint Authorised Officers and Designated Officers - Food Act 2008
Category	Health
Head of power	06. Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	Food Act 2008: s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
Function	<p>1. Authority to appoint a person to be an authorised officer for the purposes of the Food Act 2008 [s.122(2)].</p> <p>2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [s.126(13)].</p> <p>3. Authority to appoint an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7)].</p>
Delegates	CEO
Conditions	<p>1. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to:</p> <ul style="list-style-type: none"> • Appointment of Authorised Officers as Meat Inspectors • Appointment of Authorised Officers • Appointment of Authorised Officers – Designated Officers only • Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Subdelegate conditions	Nil
Statutory framework	<p>s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers</p> <p>s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed</p>
Policy	Nil

Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	6.1.5 Debt Recovery and Prosecutions
Category	Health
Head of power	06. Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	Food Act 2008: s.54 Cost of destruction or disposal of forfeited item
Function	Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)].
Delegates	CEO
Conditions	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	6.1.6 Abattoir Inspections and Fees
Category	Health
Head of power	06. Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	Food Regulations 2009: r.43 Local government may require security r.45 Withdrawal of inspection services
Function	1. Authority, relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to: <ul style="list-style-type: none"> • require a person to provide security, • determine the form that security is to be provided, and • discharge a security held by the Shire of Dardanup [r.43]. 2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].
Delegates	CEO
Conditions	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	6.1.7 Food Businesses List – Public Access
Category	Health
Head of power	06. Food Act 2008
Delegator	Council
Express power to delegate	Food Act 2008: s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
Express power or duty delegated	Food Act 2008: r.51 Enforcement agency may make list of food
Function	Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
Delegates	CEO Environmental Health Officer Principal Environmental Health Officer
Conditions	In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.
Express power to subdelegate	NIL – Food Regulations 2009 do not provide for sub-delegation.
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

07. Graffiti Vandalism Act 2016

Graffiti Vandalism Act 2016

7.1 Council to CEO

Delegation	7.1.1 Give Notice Requiring Obliteration of Graffiti
Category	Engineering
Head of power	07. Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
Express power or duty delegated	<i>Graffiti Vandalism Act 2016:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
Function	<p>1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s.18(2)].</p> <p>2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
Subdelegates	Director Infrastructure Manager Assets Manager Infrastructure Planning & Design Manager Operations
Subdelegate conditions	Nil
Statutory framework	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020

Adoption references

Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	7.1.2 Notices – Deal with Objections and Give Effect to Notices
Category	Engineering
Head of power	07. Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	Graffiti Vandalism Act 2016: s.16 Delegation by local government
Express power or duty delegated	Graffiti Vandalism Act 2016: s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
Function	<p>1. Authority to deal with an objection to a notice [s.22(3)].</p> <p>2. Authority, where an objection has been lodged, to:</p> <ul style="list-style-type: none"> • determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and • to give notice to the affected person, before taking the necessary actions [s.24(3)].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Graffiti Vandalism Act 2016: s.17 Delegation by CEO of local government
Subdelegates	Director Infrastructure Manager Assets Manager Infrastructure Planning & Design Manager Operations
Subdelegate conditions	Nil
Statutory framework	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	7.1.3 Obliterate Graffiti on Private Property
Category	Engineering
Head of power	07. Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	Graffiti Vandalism Act 2016: s.16 Delegation by local government
Express power or duty delegated	Graffiti Vandalism Act 2016: s.25(1) Local government graffiti powers on land not local government property
Function	Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s.25(1)].
Delegates	CEO
Conditions	Subject to exercising Powers of Entry.
Express power to subdelegate	Graffiti Vandalism Act 2016: s.17 Delegation by CEO of local government
Subdelegates	Director Infrastructure Manager Assets Manager Infrastructure Planning & Design Manager Operations
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	7.1.4 Powers of Entry
Category	Engineering
Head of power	07. Graffiti Vandalism Act 2016
Delegator	Council
Express power to delegate	Graffiti Vandalism Act 2016: s.16 Delegation by local government
Express power or duty delegated	Graffiti Vandalism Act 2016: s.28 Notice of entry s.29 Entry under warrant
Function	1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s.28]. 2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s.29].
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Graffiti Vandalism Act 2016: s.17 Delegation by CEO of local government
Subdelegates	Director Infrastructure Manager Assets Manager Infrastructure Planning & Design Manager Operations
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

08. Public Health Act 2016

Public Health Act 2016

8.1 Council to CEO

Delegation	8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)
Category	Health
Head of power	08. Public Health Act 2016
Delegator	Council
Express power to delegate	Health (Asbestos) Regulations 1992: r.15D(7) Infringement Notices
Express power or duty delegated	Health (Asbestos) Regulations 1992: r.15D(5) Infringement Notices
Function	Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the Criminal Procedure Act 2004 Part 2 [r.15D(5)].
Delegates	CEO
Conditions	Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)].
Express power to subdelegate	Nil – the Health (Asbestos) Regulations 1992 do not provide a power to sub-delegate.
Subdelegate conditions	Nil
Statutory framework	Criminal Procedure Act 2004 – Part 2
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the - 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	8.1.2 Enforcement Agency Reports to the Chief Health Officer
Category	Health
Head of power	08. Public Health Act 2016
Delegator	Council
Express power to delegate	Public Health Act 2016: s.21 Enforcement agency may delegate
Express power or duty delegated	Public Health Act 2016 s.22 Reports by and about enforcement agencies
Function	<p>1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Dardanup [s.22(1)]</p> <p>2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].</p>
Delegates	CEO Principal Environmental Health Officer
Conditions	Nil
Express power to subdelegate	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegate conditions	Nil
Statutory framework	Public Health Act 2016 s.20 Conditions on performance of functions by enforcement agencies.
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	8.1.3 Designate Authorised Officers - Public Health Act 2016
Category	Health
Head of power	08. Public Health Act 2016
Delegator	Council
Express power to delegate	Public Health Act 2016: s.21 Enforcement agency may delegate
Express power or duty delegated	Public Health Act 2016 s.24(1) and (3) Designation of authorised officers
Function	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ul style="list-style-type: none"> • The Public Health Act 2016 or other specified Act • Specified provisions of the Public Health Act 2016 or other specified Act • Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act. <p>Including:</p> <ul style="list-style-type: none"> • an environmental health officer or environmental health officers as a class; OR • a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR • a mixture of the two. [s.24(1) and (3)].
Delegates	CEO
Conditions	<p>1. Subject to each person so appointed being;</p> <ul style="list-style-type: none"> • Appropriately qualified and experienced [s.25(1)(a)]; and • Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31]. <p>2. A Register (list) of authorised officers is to be maintained in accordance with s.27.</p>
Express power to subdelegate	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegate conditions	Nil

Statutory framework	<p>Public Health Act 2016</p> <p>s.20 Conditions on performance of functions by enforcement agencies. s.25 Certain authorised officers required to have qualifications and experience. s.26 Further provisions relating to designations s.27 Lists of authorised officers to be maintained s.28 When designation as authorised officer ceases s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 Certificates of authority s.31 Issuing and production of certificate of authority for purposes of other written laws s.32 Certificate of authority to be returned. s.136 Authorised officer to produce evidence of authority</p> <p>Criminal Investigation Act 2006, Parts 6 and 13 – refer s.245 of the Public Health Act 2016</p> <p>The Criminal Code, Chapter XXVI – refer s.252 of the Public Health Act 2016</p>
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	8.1.4 Determine Compensation for Seized Items
Category	Health
Head of power	08. Public Health Act 2016
Delegator	Council
Express power to delegate	Public Health Act 2016: s.21 Enforcement agency may delegate
Express power or duty delegated	Public Health Act 2016 s.264 Compensation
Function	Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
Delegates	CEO
Conditions	Compensation is limited to a maximum value of \$5,000, with any proposal for compensation above this value to be referred for Council's determination.
Express power to subdelegate	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegate conditions	Nil
Statutory framework	Public Health Act 2016 s.20 Conditions on performance of functions by enforcement agencies. Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	8.1.5 Commence Proceedings
Category	Health
Head of power	08. Public Health Act 2016
Delegator	Council
Express power to delegate	Public Health Act 2016: s.21 Enforcement agency may delegate
Express power or duty delegated	Public Health Act 2016 s.280 Commencing Proceedings
Function	Authority to commence proceedings for an offence under the Public Health Act 2016 [s.280]
Delegates	CEO Principal Environmental Health Officer
Conditions	Nil
Express power to subdelegate	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
Subdelegate conditions	Nil
Statutory framework	Public Health Act 2016 s.20 Conditions on performance of functions by enforcement agencies.
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	8.1.6 Public Health Act 2016
Category	Health
Head of power	08. Public Health Act 2016
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Public Health Act 2016 Part 2 Div 2 s.17 Appointment of environmental health officers
Function	<p>1. Appointment of Environmental Health Officers</p> <p>Authority to appoint a person as an Environmental Health Officer.</p> <p>Officer Note: Under Section 21 of the Public Health Act 2016 a local government may delegate a power or duty conferred or imposed on it to the Chief Executive Officer. This includes the power to appoint a person as an Environmental Health Officer under Section 17 of the Act. (S. 17)</p> <p>2. Designation of Authorised Officers</p> <p>Authority to designate a person as an Authorised Officer under the Public Health Act. (S. 24)</p> <p>3. Certificate of Authority</p> <p>Authority to issue a Certificate of Authority (i.e. Officer ID card) to a person who is designated as an Authorised Officer under the Act. (S. 30)</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	CEO cannot on-delegate these powers
Subdelegate conditions	Nil
Statutory framework	Public Health Act 2016
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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09. Planning and Development Act 2005

Planning and Development Act 2005

9.1 Council to CEO

Delegation	9.1.1 Determination of Development Applications (PUBLISHED, BUT MARKED FOR REMOVAL)
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<p><i>Shire of Dardanup Local Planning Scheme No.3</i> Part 7, s.7.12 Delegation of Functions</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO</p>
Express power or duty delegated	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83) (Deemed Provisions)

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<p>Function</p>	<p>1. Authority to:</p> <ul style="list-style-type: none"> • Determine applications in accordance with Structure Plans pursuant to cl. 27 of the deemed provisions. • Determine development applications, which modifies or varies a Local Development Plan pursuant to cl. 56 of the deemed provisions. • 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. • Make determinations on the sufficiency of information provided with applications for planning consent pursuant to cl. 63 of the deemed provisions. • Advertise and provide notice of applications for planning approval or consent pursuant to cl. 64 of the deemed provisions. • Determine any development application for unauthorised development pursuant to cl. 65 – subsequent approval of development – of the deemed provisions. • Determine applications pursuant to cl. 68 of the deemed provisions for planning approval or refusal including: <ul style="list-style-type: none"> a) any conditions to be imposed or reasons for refusal; b) the period of validity; and c) the scope of the planning approval. <ul style="list-style-type: none"> • 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. • Determine an application for temporary development approval in accordance with cl.72 of the deemed provisions. • 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. • Determine an application for development in accordance with cl.75(3) of the deemed provisions. • Determine any amendment applications pursuant to cl. 77 (amending or cancelling development approval) of the deemed provisions. <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 Planning and Development (Local Planning Schemes) Regulations 2015</p> <p>2. Amending a Development Approval by amending or deleting conditions in accordance with Schedule 2, Part 9, Clause 77 of the Planning and Development (Local Planning Schemes) Regulations 2015, subject to the original Development Approval having been granted under delegation.</p> <p>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 Planning and Development (Local Planning Schemes) Regulations 2015</p> <p>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.</p>
<p>Delegates</p>	<p>CEO</p>

Conditions	<p>1. Delegation only to be exercised following appropriate consideration of the matters listed in cl.67, 68 and 69, of Schedule 2 - Deemed Provisions.</p> <p>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.</p> <p>3. Where concerns raised are relevant planning considerations that cannot be addressed or mitigated through conditions, a report to Council shall be prepared.</p> <p>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.</p> <p>5. With the condition that Development Applications within the waste precinct identified in the Local Planning Strategy are brought back to Council for Council's consideration and determination.</p>
Express power to subdelegate	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers</p>
Subdelegates	<p>Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer</p>
Subdelegate conditions	<p>Exception of the following uses:</p> <ul style="list-style-type: none"> • Industry - Extractive • Industry – Noxious or Hazardous <p>subject to no objections being received if advertised under Schedule 2, Part 8, Clause 64 of the Deemed Provisions for Local Planning Schemes, Planning and Development (Local Planning Schemes) Regulations 2015.</p>
Statutory framework	Part 13 of the Planning and Development Act 2005
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	9.1.1 Powers or Duties Under The Local Planning Scheme. (DRAFT)
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<p>Shire of Dardanup Local Planning Scheme No 3 cl 7.12 Delegation of Functions</p> <p>Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10, cl.82 – Local government may delegate powers to CEO</p>
Express power or duty delegated	<p>Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Parts 7, 8 and 9</p> <p>Shire of Dardanup Local Planning Scheme No 3 cl 7.3 Council Decisions</p>
Function	Authority to exercise any of the local government's powers or the discharge of any of the local government duties under the operative Local Planning Scheme.
Delegates	CEO
Conditions	<p>1. Delegation can only be exercised where if concerns raised through consultation are not relevant to planning considerations or where concerns can be addressed or mitigated by way of conditions or design modifications.</p> <p>2. Where concerns raised are relevant planning considerations that cannot be addressed or mitigated by way pf conditions or design modifications, the application shall be referred to Council for determination.</p> <p>3. Delegation can only be exercised to the extent that the Scheme, or Council policy allows for variations. Where variation to Council policy is not provided for, the application shall be referred to Council for determination.</p> <p>4. With the condition that Development Applications within the waste precinct identified in the Local Planning Strategy are brought back to Council for Council's consideration and determination.</p>
Express power to subdelegate	<p>Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10, cl.83 – Local government CEO may delegate powers</p>
Subdelegates	Director Sustainable Development Manager Development Services
Subdelegate conditions	Nil
Statutory framework	Part 13 of the Planning and Development Act 2005
Policy	Nil

Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
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Delegation	9.1.2 Illegal Development
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Planning and Development Act 2005: Section 214(2), (3) and (5)
Function	<p>1. Give a written direction to the owner or any other person undertaking an unauthorised development to stop, and not recommence, the development or that part of the development that is undertaken in contravention of the planning scheme, interim development order or planning control area requirements;</p> <p>2. Give a written direction to the owner or any other person who undertook an unauthorised development:</p> <ul style="list-style-type: none"> • 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. <p>3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Statutory Enforcement Officer
Subdelegate conditions	Nil
Statutory framework	Part 13 of the Planning and Development Act 2005
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.

Date adopted	30 June 2021
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

DRAFT

Delegation	9.1.3 Oversized Outbuildings (PUBLISHED, BUT MARKED FOR REMOVAL)
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Shire of Dardanup Local Planning Scheme No.3</i> Part 7, s.7.12 Delegation of Functions <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
Express power or duty delegated	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83) (Deemed Provisions)
Function	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.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Oversized Outbuildings that propose an insignificant departure from the Local Planning Policy and do not negatively impact on the amenity of the area subject to no objections being received from adjoining landowners if advertised under Schedule 2, Part 8, Clause 64 of the Deemed Provisions for Local Planning Schemes, Planning and Development (Local Planning Schemes) Regulations 2015
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	9.1.3 Recommendations to the WAPC regarding Subdivision and Amalgamation (DRAFT)
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Shire of Dardanup Local Planning Scheme No.3</i> Part 7, s.7.12 Delegation of Functions <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
Express power or duty delegated	<i>Planning and Development Act 2005</i> s.142 Consultation requirements as to proposed subdivision
Function	Authority to make recommendations for the Support and Refusal for the creation or amalgamation of lots to the Western Australian Planning Commission.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.

Delegation	9.1.4 Amendments to Building Envelopes and Building Exclusion Areas (PUBLISHED, BUT MARKED FOR REMOVAL)
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	Shire of Dardanup Local Planning Scheme No.3 Part 7, s.7.12 Delegation of Functions Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
Express power or duty delegated	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83) (Deemed Provisions)
Function	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
Delegates	CEO
Conditions	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, Planning and Development (Local Planning Schemes) Regulations 2015. 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.
Express power to subdelegate	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Authority to amend building envelopes and building exclusion areas subject to no objections being received if advertised under Schedule 2, Part 8, cl.64 of the Deemed Provisions for Local Planning Schemes, Planning and Development (Local Planning Schemes) Regulations 2015
Statutory framework	Deemed Provisions for Local Planning Schemes - Schedule 2, Part 8, Clause 64 Planning and Development (Local Planning Schemes) Regulations 2015
Policy	Nil

Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

DRAFT

Delegation	9.1.4 Greater Bunbury Region Scheme (DRAFT)
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Western Australian Planning Commission

DRAFT

<p>Express power or duty delegated</p>	<p>Published by:</p> <p>Planning GOVERNMENT GAZETTE Western Australia</p> <p>-----</p> <p>No. 65. 09-May-2014</p> <p>Page: 1420</p> <p>PL406 PLANNING AND DEVELOPMENT ACT 2005</p> <p>Instrument of Delegation</p> <p>DELEGATION POWERS OF LOCAL GOVERNMENTS (GBRS) DEL 2014/01</p> <p>Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to the Greater Bunbury Region Scheme</p> <p>Preamble</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Resolution under section 16 of the Act (delegation)</p> <p>On 22 April 2014, pursuant to section 16 of the Act, the WAPC RESOLVED--</p> <p>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;</p> <p>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).</p> <p>TIM HILLYARD, Secretary, Western Australian Planning Commission.</p>
<p>Function</p>	<p>PLANNING AND DEVELOPMENT ACT 2005</p> <p>Instrument of Delegation</p>

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.
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 m² 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.

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.

	<p>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.</p> <p>-----</p> <p>Government of Western Australia</p> <p>State Law Publisher. All contents Copyright (C) 2003. All rights reserved. Disclaimer</p>
Delegates	<p>CEO Council Director Sustainable Development Manager Development Services Planning Officer Principal Planning Officer Senior Planning Officer</p>
Conditions	Nil
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.

Delegation	9.1.5 Extinguishment of Restrictive Covenants (PUBLISHED, BUT MARKED FOR REMOVAL)
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	Shire of Dardanup Local Planning Scheme No.3 Part 7, s.7.12 Delegation of Functions Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
Express power or duty delegated	Shire of Dardanup Local Planning Scheme No.3 Part 4, s.4.9 Restrictive Covenants
Function	Authority to process applications for extinguishment of Restrictive Covenants.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Nil
Statutory framework	Deemed Provisions for Local Planning Schemes - Schedule 2, Part 8, Clause 64 Planning and Development (Local Planning Schemes) Regulations 2015
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	9.1.5 Strata Titles Act (DRAFT)
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Western Australian Planning Commission
Express power or duty delegated	<p>PL402 PLANNING AND DEVELOPMENT ACT 2005 - INSTRUMENT OF DELEGATION Del 2020/01 Powers of Local Governments</p> <p>Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain application under the Strata Titles Act 1985.</p> <p>Preamble</p> <p>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.</p> <p>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.</p> <p>Resolution under section 16 of the Act (delegation) On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED—</p> <p>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 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;</p> <p>B. Delegate to local governments, and to members and officer of those local governments, its powers and functions under sections 21 and 22 of the Strata Titles Act 1985 as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;</p> <p>C. To amend “Del 2020/01 – Powers of Local Governments” to give effect to its resolution and to publish an updated, consolidated instrument.</p> <p>_____</p> <p>SAM FAGAN, Secretary, Western Australian Planning Commission.</p>

Function	<p>Schedule 1</p> <p>1. Applications made under section 15 of the Strata Titles Act 1985 Power to determine applications under section 15 of the Strata Titles Act 1985, except those applications that-</p> <p>(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) propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the Strata Titles Act 1985); (e) 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.</p> <p>2. Applications under sections 21 and 22 of the Strata Titles Act 1985 Power to determine application under-</p> <p>(a) Section 21 of the Strata Titles Act 1985 (b) Section 22 of the Strata Titles Act 1985 where the amendment or repeal of scheme by-laws requires the approval of the WAPC.</p> <p>3. Reporting requirements</p> <p>A local government that exercises the power referred to in clause 1 and/or 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.</p>
Delegates	<p>CEO Council Director Sustainable Development Manager Development Services Planning Officer Principal Planning Officer Senior Planning Officer</p>
Conditions	Nil
Express power to subdelegate	Nil
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.

Amendments			
Approved	Type	Amendment	References
21 Jul 2021	Amended delegation	Correction to Delegation number only.	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

DRAFT

Delegation	9.1.6 Landscape Buffer to Australind Bypass Road (Forrest Highway) (PUBLISHED, BUT MARKED FOR REMOVAL)
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	Shire of Dardanup Local Planning Scheme No.3 Part 7, s.7.12 Delegation of Functions Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
Express power or duty delegated	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83) (Deemed Provisions)
Function	Authority to apply the provisions of clause 7.6 of Town Planning Scheme No.3 to vary a scheme requirement: <ul style="list-style-type: none"> • 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, Planning and Development (Local Planning Schemes) Regulations 2015 • Allow the removal of dead, diseased or dangerous vegetation as well as the installation of fencing.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.

Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

DRAFT

Delegation	9.1.6 Section 40 Certificates under the Liquor Licensing Act 1988 (DRAFT)
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<p>Shire of Dardanup Local Planning Scheme No.3 Part 7, s.7.12 Delegation of Functions</p> <p>Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO</p> <p>Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO</p>
Express power or duty delegated	<p>Liquor Control Act 1988 Part 3, Div 2,s.40 Certificate of planning authority as to whether use of premises complies with planning laws.</p>
Function	Authority to respond to applications for a certificate of planning authority under the Liquor Control Act 1988.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	<p>Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers</p>
Subdelegates	<p>Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer</p>
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.

Amendments			
Approved	Type	Amendment	References
21 Jul 2021	Amended delegation	Correction to delegation number only.	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

DRAFT

Delegation	9.1.7 Local Development Plans (DRAFT)
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Shire of Dardanup Local Planning Scheme No.3</i> art 7, s.7.12 Delegation of Functions <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
Express power or duty delegated	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 6 cl.52 of the Deemed provisions.
Function	Authority to: <ul style="list-style-type: none"> • Determine that a local development plan does not require advertising. • Approve a local development plan.
Delegates	CEO
Conditions	<ol style="list-style-type: none"> 1. Delegation can only be exercised where, if concerns raised through consultation are not relevant planning considerations or where concerns can be addressed or mitigated by way of conditions or design modifications. 2. Where concerns raised are relevant planning considerations that cannot be addressed or mitigated by way of conditions or design modifications, the local development plan shall be referred to Council for determination.
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.

Delegation	9.1.8 Waiving of Application Fees for Development Approval (DRAFT)
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Shire of Dardanup Local Planning Scheme No.3</i> Part 7, s.7.12 Delegation of Functions <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
Express power or duty delegated	<i>Planning and Development Regulations 2009</i> Part 7 r.52 - Local government may waive or refund fee
Function	Authority to waive development application fees.
Delegates	CEO
Conditions	Fees associated with the following: <ul style="list-style-type: none"> • Applications made by the Shire of Dardanup on land owned and/or managed by the Shire of Dardanup. • Applications made by community groups on land owned and/or managed by the Shire of Dardanup.
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	SDev CP502 – Local Planning Policy – Waiving and Refunding of Fees
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.

Amendments			
Approved	Type	Amendment	References
21 Jul 2021	Amended delegation	Correction to delegation number only.	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

DRAFT

9.2 Local Planning Scheme - Council to CEO

Delegation	9.2.1 Development that is permitted as an Additional Use in Appendix IV or a Restricted Use in Appendix V of Shire of Dardanup Town Planning Scheme No (PUBLISHED, BUT MARKED FOR REMOVAL)
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	<i>Shire of Dardanup Local Planning Scheme No.3</i> Part 7, s.7.12 Delegation of Functions <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
Express power or duty delegated	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83) (Deemed Provisions)
Function	Authority to determine development is permitted as an Additional Use in Appendix IV or a Restricted Use in Appendix V of Shire of Dardanup Town Planning Scheme No 3.
Delegates	CEO
Conditions	No delegation to consider development approval applications within the waste precinct identified in the Local Planning Strategy.
Express power to subdelegate	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	9.2.2 Variations under the Residential Design Codes (PUBLISHED, BUT MARKED FOR REMOVAL)
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	Shire of Dardanup Local Planning Scheme No.3 Part 7, s.7.12 Delegation of Functions Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
Express power or duty delegated	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83) (Deemed Provisions)
Function	Authority to determine variations to the Residential Design Codes.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Nil
Statutory framework	Shire of Dardanup Local Planning Scheme No.3 Deemed Provisions for Local Planning Schemes - Schedule 2, Part 8, Clause 64 Planning and Development (Local Planning Schemes) Regulations 2015
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	9.2.3 Bushland Development Area – External Cladding (PUBLISHED, BUT MARKED FOR REMOVAL)
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	Shire of Dardanup Local Planning Scheme No.3 Part 7, s.7.12 Delegation of Functions Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
Express power or duty delegated	Shire of Dardanup Local Planning Scheme No.3 Part 3, c.3.16.8(d) Bushland Development Area Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83) (Deemed Provisions)
Function	Authority to approve variation to the external cladding of a building within a Bushland Development area.
Delegates	CEO
Conditions	No objections being received if advertised under Schedule 2, Part 8, Clause 64 of the Deemed Provisions for Local Planning Schemes, Planning and Development (Local Planning Schemes) Regulations 2015
Express power to subdelegate	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Nil
Statutory framework	Town Planning Scheme No. 3 c.3.16.8(d) Bushland Development Area
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	9.2.4 Variation to Site and Development Standards and Requirements (PUBLISHED, BUT MARKED FOR REMOVAL)
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	Shire of Dardanup Local Planning Scheme No.3 Part 7, s.7.12 Delegation of Functions Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
Express power or duty delegated	Shire of Dardanup Local Planning Scheme No.3 Part 7, s.7.6 Variation to Site and development Standards and Requirements Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83) (Deemed Provisions)
Function	Authority to apply the provisions of clause 7.6 of Town Planning Scheme No.3 to vary site and development standards and requirements, including the following: <ul style="list-style-type: none"> • 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, Planning and Development (Local Planning Schemes) Regulations 2015.
Delegates	CEO
Conditions	No delegation to consider development approval applications within the waste precinct identified in the Local Planning Strategy.
Express power to subdelegate	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil

Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	9.2.5 Minor Variations to Car Parking (PUBLISHED, BUT MARKED FOR REMOVAL)
Category	Planning
Head of power	09. Planning and Development Act 2005
Delegator	Council
Express power to delegate	Shire of Dardanup Local Planning Scheme No.3 Part 7, s.7.12 Delegation of Functions Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.82 – Local government may delegate powers to CEO
Express power or duty delegated	Shire of Dardanup Local Planning Scheme No.3 Part 4 Car parking Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Parts 7, 8, 9 and 10 (excluding cl. 82 & 83) (Deemed Provisions)
Function	Authority to review and approve minor variations to carparking requirements as indicated in Appendix IIA of the Shire of Dardanup Town Planning Scheme No. 3, subject to adequate justification being provided by the applicant demonstrating that variation will not result in adverse offsite impacts.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 10 cl.83 – Local government CEO may delegate powers
Subdelegates	Director Sustainable Development Manager Development Services Principal Planning Officer Senior Planning Officer
Subdelegate conditions	Nil
Statutory framework	Nil
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

10. Health (Miscellaneous Provisions) Act 1911

Health (Miscellaneous Provisions) Act 1911

10.1 Council to CEO

Delegation	10.1.1 Septic Installations
Category	Health
Head of power	10. Health (Miscellaneous Provisions) Act 1911
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 Part2 Div 1 r.4 Approval of construction or installation of apparatus by local government
Function	Authority to approve septic installations and issue "Permit to Use an Apparatus" and Serve notices requiring alteration or amendments to non-complying systems.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Health (Miscellaneous Provisions) Act 1911 Part II, Div 1, s.13A CEO and Chief Health Officer may delegate
Subdelegates	Environmental Health Officer Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	10.1.2 Sewers, Toilets & Septic Systems
Category	Health
Head of power	10. Health (Miscellaneous Provisions) Act 1911
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Health (Miscellaneous Provisions) Act 1911 Partv IV, Div 2 Connection of premises to drains and sewers of local government
Function	<p>1. Written Notice Authority to require property owner to connect property to sewer if within 91m. (S. 81)</p> <p>2. Written Notice Authority to require property owner to permit municipal sewer or drain to go through/under private land. (S. 83)</p> <p>3. Written Notice Authority to require property owner to fill any land which is lower than the level of the street, road, sewer or drain. (S. 86)</p> <p>4. Health Order Authority to require a person to drain, cover, fill any pool, ditch, sewer, or drain. (S. 87)</p> <p>5. Written Notice Authority to require a property owner to open a floor to ascertain presence of any waste or stagnant water underneath. (S. 88)</p> <p>6. Written Notice Authority to require property owner to install septic system. (S. 99)</p> <p>7. Written Notice Authority to require owner of a house or business to supply sanitary conveniences for occupants/workers. (S. 101)</p> <p>8. Approval Authority to grant approval for construction of septic system. (S. 107 (3))</p> <p>9. Permit Authority to grant permit to use a septic system. (S. 107 (5))</p> <p>10. Written Notice Authority to require rectification of any drain, toilet or septic system. (S. 108)</p> <p>11. Written Notice Authority to serve notice on occupier of property to remove rubbish which cannot be removed by municipal rubbish services (S. 112)</p>
Delegates	CEO

Conditions	Nil
Express power to subdelegate	<i>Health (Miscellaneous Provisions) Act 1911</i> Part II, Div 1, s.13A CEO and Chief Health Officer may delegate
Subdelegates	Environmental Health Officer Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	Health (Miscellaneous Provisions) Act 1911
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	10.1.3 Sanitary Provisions – Pollution of Water
Category	Health
Head of power	10. Health (Miscellaneous Provisions) Act 1911
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Health (Miscellaneous Provisions) Act 1911 S. 131 and 132 Part 9, Div 6 Reporting requirements
Function	1. Direction Authority to direct that any water supply be close where directed to do so by the Executive Director of Public Health; or where in the opinion of 2 legally qualified medical practitioners the water supply is so polluted or unwholesome as to be unfit for human consumption. (S. 131) 2. Written Notice Authority to post-up notice that a water supply is for drinking purposes and the trespassing of pigs, dogs, ducks, and geese thereon are prohibited. (S. 132)
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Health (Miscellaneous Provisions) Act 1911 Part II, Div 1, s.13A CEO and Chief Health Officer may delegate
Subdelegates	Environmental Health Officer Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	Health (Miscellaneous Provisions) Act 1911
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	10.1.4 Houses Unfit (For Human Habitation)
Category	Health
Head of power	10. Health (Miscellaneous Provisions) Act 1911
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Health (Miscellaneous Provisions) Act 1911 Part V, Div 1 Houses unfit for occupation
Function	1. Written Notice <ul style="list-style-type: none"> • Authority to issue written notice declaring that any house, or any specified part thereof, is unfit for human habitation. (S. 135) • Authority to serve notice on the owner of a house to clean or repair the house. (S. 139)
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Health (Miscellaneous Provisions) Act 1911 Part II, Div 1, s.13A CEO and Chief Health Officer may delegate
Subdelegates	Environmental Health Officer Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	Health (Miscellaneous Provisions) Act 1911
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	10.1.5 Lodging Houses
Category	Health
Head of power	10. Health (Miscellaneous Provisions) Act 1911
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Health (Miscellaneous Provisions) Act 1911 Part V, Div 2 Lodging-houses
Function	1. Written Notice Authority to issue written notice requiring the owner of a lodging house to obtain a proper supply of water and do all works necessary for that purpose. (S. 150)
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Health (Miscellaneous Provisions) Act 1911 Part II, Div 1, s.13A CEO and Chief Health Officer may delegate
Subdelegates	Environmental Health Officer Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	Health (Miscellaneous Provisions) Act 1911 Shire of Dardanup Health Local Laws 2000 (As Amended)
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	10.1.6 Public Buildings
Category	Health
Head of power	10. Health (Miscellaneous Provisions) Act 1911
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Health (Miscellaneous Provisions) Act 1911 Part VI, Public buildings
Function	1. Approval Authority to issue (written) approval (subject to conditions) for an application to construct, extend or alter a public building. (S. 177) 2. Certificate of Approval Authority to open or use a public building. (S. 178)
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Health (Miscellaneous Provisions) Act 1911 Part II, Div 1, s.13A CEO and Chief Health Officer may delegate
Subdelegates	Environmental Health Officer Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	Health (Miscellaneous Provisions) Act 1911 Health (Public Buildings) Regulations 1992
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	10.1.7 Nuisances and Offensive Trades
Category	Health
Head of power	10. Health (Miscellaneous Provisions) Act 1911
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Health (Miscellaneous Provisions) Act 1911 Part VII Nuisances and offensive trades
Function	<p>1. Verbal/written Direction</p> <p>Authority to require an owner or occupier of a premises to abate any nuisance from an offensive trade. (S. 184)</p> <p>2. Power of Refuse Registration</p> <p>Authority to refuse to register or renew the registration of any lodging house or premises for an offensive trade unless constructed or maintained in accordance with the Shire of Dardanup's Health Local Laws. (S. 192)</p> <p>3. Written Notice</p> <p>Authority to require the owner of a slaughter-house, or premises connected therewith, to make improvements as to make it comply with the Health Act. (S. 196 (1))</p> <p>4. Power to cancel Registration</p> <p>Authority to cancel or refuse to renew registration of a slaughter-house. (s. 196 (2))</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Health (Miscellaneous Provisions) Act 1911 Part II, Div 1, s.13A CEO and Chief Health Officer may delegate
Subdelegates	Environmental Health Officer Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	Health (Miscellaneous Provisions) Act 1911
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.

Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	10.1.8 Analytical Services
Category	Health
Head of power	10. Health (Miscellaneous Provisions) Act 1911
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Health (Miscellaneous Provisions) Act 1911 Part VIII A s. 247D Participation in scheme by local governments
Function	1. Written Notice Authority to advise the Analytical Committee that the Shire of Dardanup desires to participate in the (analytical) scheme being operated by the analytical committee. (S. 247D)
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Health (Miscellaneous Provisions) Act 1911 Part II, Div 1, s.13A CEO and Chief Health Officer may delegate
Subdelegates	Environmental Health Officer Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	Health (Miscellaneous Provisions) Act 1911
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

Delegation	10.1.9 Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974
Category	Health
Head of power	10. Health (Miscellaneous Provisions) Act 1911
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 Part 2 Div 1 r.4 Approval of construction or installation of apparatus by local government r.10 Permit to use apparatus
Function	1. Approval Authority to grant written approval for the construction of a septic system serving a single dwelling or processing not more than 540L or sewage per day. (R. 4 (3) (a)) 2. Refusal to grant Approval Authority to refuse to grant approval for the construction of a septic system. (R. 4 (3) (b)) 3. Permit Authority to grant a permit permitting a septic system, or any other apparatus for the treatment of sewage. (R. 10 (2)).
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Health (Miscellaneous Provisions) Act 1911 Part II, Div 1, s.13A CEO and Chief Health Officer may delegate
Subdelegates	Environmental Health Officer Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – 'Executed Delegations Register'.

Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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11. Caravan Parks and Camping Grounds Act 1995

Caravan Parks and Camping Grounds Act 1995

11.1 Council to CEO

Delegation	11.1.1 Caravan Parks and Camping Grounds Act Delegations
Category	Health
Head of power	11. Caravan Parks and Camping Grounds Act 1995
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Caravan Parks and Camping Grounds Act 1995 Sections 8, 10, 11, 12 and 21

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<p>Function</p>	<p>1. License</p> <p>Authority to grant or renew a license, and at any time impose conditions on that license. (S. 8 (4))</p> <p>2. Refusal of renewal of license</p> <p>Authority to refuse to renew a license if:</p> <ul style="list-style-type: none"> • The license holder has been convicted of an offence under this Act, or any written law relating to caravanning or camping; • A condition imposed on a license has been contravened; or • The license was obtained by fraud, or misrepresentation. (S. 8 (6)) <p>3. Notice in Writing</p> <p>Authority to give notice in writing of a decision for refusal to grant or renew a license. (S. 8 (7))</p> <p>4. Prohibition Notice</p> <p>Authority to issue written notice to a Caravan Park license holder that the license holder is contravening the Act or any conditions imposed on the licence. (S. 10)</p> <p>5. Prohibition Notice</p> <p>Authority to give written notice to a license holder that a Prohibition Notice issued under Reg. 10 is no longer in force. (S. 11 (2))</p> <p>6. Cancellation of License</p> <p>Authority to give written notice to cancel a license for a facility on the grounds that:</p> <ul style="list-style-type: none"> • The license holder has been convicted of an offence under this Act, or any written law relating to caravanning or camping; • A condition imposed on a license has been contravened; or • The license was obtained by fraud, or misrepresentation. (S. 12 (1)) <p>7. Notice in Writing</p> <p>Authority to give notice in writing to the license holder of a decision to cancel a license, and the reasons for cancellation. (S. 12 (2))</p> <p>8. Inspections</p> <p>Authority to conduct inspections of each facility within the Authorised Persons district of operation at least once every 12 months. (S. 21 (1))</p> <p>9. Inspections</p> <p>Authority to conduct inspections of a facility at any time. (S. 21 (2))</p> <p>10. Works Notice</p> <p>Authority to issue a Works Specification Notice requiring a person on the facility to carry out work so that the Act or a condition imposed on the license is complied with. (S. 21 (3))</p>
<p>Delegates</p>	<p>CEO</p>

Conditions	Nil
Express power to subdelegate	<i>Health (Miscellaneous Provisions) Act 1911</i> Part II, Div 1, s.13A CEO and Chief Health Officer may delegate
Subdelegates	Director Sustainable Development Environmental Health Officer Manager Development Services Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	Caravan Parks and Camping Grounds Act 1995 Caravan and Camping Grounds Regulations 1997
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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12. Liquor Control Act 1988

Liquor Control Act 1988

12.1 Council to CEO

Delegation	12.1.1 Certificate of Local Government
Category	Health
Head of power	12. Liquor Control Act 1988
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Liquor Control Act 1988 Part 3, Div 2 s.39 Certificate of local government as to whether premises comply with laws
Function	Authority to respond to applications for Section 39 Certificates under the Liquor Control Act 1988 subject to compliance with the Health (Miscellaneous Provisions) Act 1911, Public Health Act 2016, The Food Act 2008, any written law applying to the sewerage or drainage of those premises, the Local Government Act 1995 and the Building Act 2011.
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees
Subdelegates	Director Sustainable Development Environmental Health Officer Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	Local Government Act 1995 Building Act 2011 Liquor Control Act 1988 Health (Miscellaneous Provisions) Act 1911 Public Health Act 2016 Food Act 2008
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.
Date adopted	24 June 2020

Adoption references

Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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Delegation	12.1.2 Liquor Control Act Delegations
Category	Health
Head of power	12. Liquor Control Act 1988
Delegator	Council
Express power to delegate	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
Express power or duty delegated	Liquor Control Act 1988
Function	<p><i>Certificate of Local Government</i></p> <p>Authority to sign Section 39 certificate that a premises complies with all relevant requirements of the:</p> <ul style="list-style-type: none"> • Health (Miscellaneous Provisions) Act 1911 and Public Health Act 2016, Food Act 2008 • Any written law applying to the sewerage or drainage of those premises • Local Government Act 1995 • Building Act 2011; <p>And</p> <p>Where the premises do not so comply, the manner in which the premises could be made to comply or that the premises could not reasonably be made to comply (Section 39 (2))</p>
Delegates	CEO
Conditions	Nil
Express power to subdelegate	Health (Miscellaneous Provisions) Act 1911 Part II, Div 1, s.13A CEO and Chief Health Officer may delegate
Subdelegates	Director Sustainable Development Environmental Health Officer Principal Environmental Health Officer
Subdelegate conditions	Nil
Statutory framework	Liquor Control Act 1988 Health (Miscellaneous Provisions) Act 1911 Food Act 2008 Health (Public Buildings) Regulations 1992
Policy	Nil
Record keeping	Delegates exercising powers given by delegation are to keep records of exercised delegation in the – ‘Executed Delegations Register’.

Date adopted	24 June 2020
Adoption references	Adopted by Council at the Shire of Dardanup OCM held 24 June 2020, by resolution 157-20

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AMENDMENTS

Delegation	Approved or adopted	Type	Amendment	References
1.2.16 To purchase goods and services to a specified value.	24 Jun 2020	Amended delegation	Additional information has been added to the sub-delegate section to list the dollar value of purchasing for the required positions.	Adopted by Council at the Shire of Dardanup OCM held 24th June 2020, by resolution 157-20
1.2.16 To purchase goods and services to a specified value.	13 Jul 2020	Amended delegation	The addition of the ERC Sports & Facilities Coordinator was added for purchasing authority.	CEO Delegated Purchasing authority to the ERC Sports & Facilities Coordinator.
1.2.24 Over Length Vehicles	28 Oct 2020	Amended delegation	Item 12 - Gives the Chief Executive Officer delegated authority to support Restricted Access Vehicles (RAV) in accordance with the Shire endorsed RAV Network Road Maps.	Council Resolution 292-20
3.1.4 Restricted Burning Times – Vary and Control Activities	29 Mar 2021	Amended delegation	Chief Bush Fire Control Office should of been on this delegation when endorsed, as according to Bush Fires Act 1975. This was picked up when trying to log delegation of power.	Chief Bush Fire Control Office should of been on this delegation when endorsed, as according to Bush Fires Act 1975. This was picked up when trying to log delegation of power.
9.1.5 Strata Titles Act	21 Jul 2021	Amended delegation	Correction to Delegation number only.	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

Delegation	Approved or adopted	Type	Amendment	References
9.1.6 Section 40 Certificates under the Liquor Licensing Act 1988	21 Jul 2021	Amended delegation	Correction to delegation number only.	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21
9.1.8 Waiving of Application Fees for Development Approval	21 Jul 2021	Amended delegation	Correction to delegation number only.	Adopted by Council at the Shire of Dardanup OCM held 30 June 2021, by resolution 188-21

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